

# **A REPORT TO THE PLANNING COMMISSION**

Item No. **1**

P.C. AGENDA OF: September 19, 2007

Application complete date: N/A

Project Planner: Christer Westman

Project Engineer: Frank Jimeno

SUBJECT: **EIR 05-05/GPA 05-04/LCPA 05-01/DI 05-01 – PONTO BEACHFRONT VILLAGE VISION PLAN** – Request for a recommendation for certification of a Program Environmental Impact Report, and recommendation of adoption of the Candidate Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program; a request for a recommendation of approval for a General Plan Amendment and Local Coastal Program Amendment to incorporate the Ponto Beachfront Village Vision Plan into the Land Use Element of the General Plan and the Land Use Plans of the Mello II and West Batiquitos Lagoon/Sammis Properties' Lagoon segments of the Local Coastal Program; and a discussion and recommendation to the City Council regarding the content of the Ponto Beachfront Village Vision Plan.

## **I. RECOMMENDATION**

That the Planning Commission 1) **ADOPT** Planning Commission Resolution No. 6338 **RECOMMENDING CERTIFICATION** of EIR 05-05 and **RECOMMENDING ADOPTION** of the Candidate Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program; 2) **ADOPT** Planning Commission Resolutions No. 6339, 6340 and 6341 **RECOMMENDING APPROVAL** of General Plan Amendment (GPA 05-04), Local Coastal Program Amendment (LCPA 05-01) and the Ponto Beachfront Village Vision Plan (DI 05-01) based on the findings contained therein.

## **II. INTRODUCTION AND BACKGROUND**

The Planning Commission received a staff presentation and heard public testimony on the Ponto Beachfront Village Vision Plan on September 5, 2007 and continued the item for discussion.

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## **II. INTRODUCTION AND BACKGROUND**

The Ponto area is located in the most southwesterly portion of the city near the city's southern entrance along Carlsbad Boulevard. It presently contains older homes and businesses most of which were developed in the county before the city incorporated. Recognizing its potential for redevelopment and its prime coastal location across from the state campgrounds and near new single-family neighborhoods, the city decided to create a "vision plan" for the area to direct future development in the Ponto area. With input from the property owners, nearby residents, and other interested persons, the Ponto Beachfront Village Vision Plan was prepared. The Plan covers a larger study area consisting of approximately 130 acres. However, the area considered viable for future development or redevelopment is approximately 50 acres. The 50 acres (refer to location map) consist of the older Ponto area which is also included in the South Carlsbad Coastal Redevelopment area, one small, vacant parcel located within the boundaries of the Poinsettia Properties Specific Plan and several vacant properties located in the previously approved Poinsettia Shores Master Plan.



The intent of the Ponto Beachfront Vision Plan is to create a mixed use, active pedestrian and bicycle oriented area with a strong sense of place, village atmosphere and unique character of design. Because of its prime location at the southern gateway to the city and across from the beach and campgrounds, it could become a vibrant part of the city providing amenities for city residents as well as visitors. A copy of the Vision Plan was distributed to each of the Planning Commissioners for review prior to the September 5, 2007 public hearing.

In addition to background information (including the public input process) the Plan contains a Vision Statement, desirable land uses, a proposed vehicular and pedestrian circulation system and design guidelines to direct future development in the area. In order for future development proposals to be guided by the Plan and in order to allow the city to review future proposals for compliance with the Plan, it is necessary to amend the Land Use Element of the City's General Plan and to amend the Local Coastal Program Land Use Plan (Mello II and West Batiquitos Lagoon/Sammis Properties segments) by incorporating references to the Ponto Beachfront Village Vision Plan. The project does not include amendment(s) to the Zoning Ordinance. Individual development projects implementing the Ponto Beachfront Village Vision Plan may include a General Plan Amendment and Zone Change.

The Ponto Beachfront Village Vision Plan was reviewed by the Planning Commission on May 4 2005 and a recommendation was made (4-0-3; Dominguez, Heineman, and Montgomery absent) to the City Council to approve the plan and adopt a Mitigated Negative Declaration. Significant public input was given before the City Council on June 28 and July 19, 2005 regarding the plan and the environmental review of the plan that resulted in the City Council directing staff to prepare an Environmental Impact Report (EIR). The EIR is completed and the plan has been resubmitted to the Planning Commission for their review. The Planning Commission's action on the project will be a recommendation to the City Council.

### **III. PROJECT DESCRIPTION**

This item is a request to have the Planning Commission review the Ponto Beachfront Village Vision Plan and Program Environmental Impact Report, to approve a General Plan Amendment to incorporate text referencing the Plan into the Land Use Element of the General Plan and to approve a Local Coastal Program Amendment which would also incorporate text referencing the Plan into the Land Use Plans of the Mello II and the West Batiquitos Lagoon/Sammis Properties segments of the Local Coastal Program. By incorporating a description and references to the Ponto Beachfront Village Vision Plan into these documents, it will allow future proposals for development to use the guidelines contained in the Plan and it will permit the city to review future developments for conformance with the Plan.

#### **General Plan Amendment**

The Land Use Element of the General Plan presently references areas of the City for "Special Planning Considerations" (Section D, Page 21 of the Land Use Element). This section presently includes areas of the city such as the Downtown Village area, the McClellan-Palomar Airport area, the Buena Vista Watershed and the Barrio area. Staff is recommending that the Ponto Beachfront Village Area be added to this section of the Land Use Element to read as follows:

**“9 – Ponto Beachfront Village Area**

The Ponto Beachfront Village Area consists of approximately 50 acres of land located between Carlsbad Boulevard and the San Diego Northern Railroad, north of Batiquitos Lagoon and south of Ponto Road. It is part of a larger land use and circulation study area containing 130 acres extending from the southern city limits on Carlsbad Boulevard to Poinsettia Lane. The northern portion of the area is also located within the boundaries of the South Carlsbad Coastal Redevelopment Plan. Presently, the area contains older homes and businesses which have a strong potential for redevelopment and several important underutilized or vacant properties. Recognizing the potential for new development in this area and its important location at the southern gateway to the city, a Vision Plan has been prepared for this area. The Plan includes a Vision Statement, desirable land uses, a proposed vehicular and pedestrian circulation system and design guidelines to direct future development in the area. The intent of the Vision Plan is to create a mixed use, active pedestrian and bicycle oriented area with a strong sense of place, village atmosphere and unique character of design. Future proposals for new development within this area of special planning consideration shall be guided by the Vision Plan and all future development permits (site development plan, coastal development permit, etc.) shall be reviewed by the city for conformance with the Ponto Beachfront Village Vision Plan.”

Local Coastal Program Amendment

The Ponto Beachfront Village Area is located in two segments of the city’s Local Coastal Program; Mello II for the properties that are located in what is generally considered the older Ponto Area and the West Batiquitos Lagoon/Sammis Properties segment for the vacant properties south of the older Ponto Area which are also part of the Poinsettia Shores Master Plan. Staff is recommending that the land Use Plans of these two segments of the Local Coastal Program be amended as follows:

Amend the Mello II segment of the city’s Local Coastal Program by the addition of a new Policy 6.10 (on page 91) to read as follows:

**“Policy 6.10 Ponto Beachfront Village Area**

The Ponto Beachfront Village Area consists of approximately 50 acres of land located between Carlsbad Boulevard and the San Diego Northern Railroad, north of Batiquitos Lagoon and south of Ponto Road. It is part of a larger land use and circulation study area containing 130 acres extending from the southern city limits on Carlsbad Boulevard to Poinsettia Lane. The northern portion of the area is also located within the boundaries of the city’s South Carlsbad Coastal Redevelopment Plan. Presently, the area contains older homes and businesses which have a strong potential for redevelopment and several important underutilized or vacant properties. Recognizing the potential for new development in this area and its important location at the southern gateway to the city, a Vision Plan has been prepared for the area. The Plan includes a Vision Statement, desirable land uses, a proposed vehicular and pedestrian circulation system and design guidelines to direct future development in the area. The intent of the Vision Plan is to create a

mixed use, active pedestrian and bicycle oriented area with a strong sense of place, village atmosphere and unique character of design. A strong emphasis is placed on recreation and visitor serving uses. Future proposals for new development within this area shall be guided by the Vision Plan and all future development permits (site development plan, coastal development permit, etc.) shall be reviewed by the city for conformance with the Ponto Beachfront Village Vision Plan.”

Amend the West Batiquitos Lagoon/Sammis Properties segment of the city’s Local Coastal Program by the addition of a new section J (on page 118) to read as follows:

**“J. Ponto Beachfront Village Vision Plan**

Planning Areas F, G and H of the Poinsettia Shores Master Plan are also located in the area identified by the City of Carlsbad as the Ponto Beachfront Village Area. The Ponto Beachfront Village Area consists of approximately 50 acres of land located between Carlsbad Boulevard and the San Diego Northern Railroad, north of Batiquitos Lagoon and south of Ponto Road. It is part of a larger land use and circulation study area containing 130 acres extending from the southern city limits on Carlsbad Boulevard to Poinsettia Lane. Presently, the area contains older homes and businesses which have a strong potential for redevelopment and several important underutilized or vacant properties. Recognizing the potential for new development in this area and its important location at the southern gateway to the city, a Vision Plan has been prepared for the area. The Plan includes a Vision Statement, desirable land uses, a proposed vehicular and pedestrian circulation system and design guidelines to direct future development in the area. The intent of the Vision Plan is to create a mixed use, active pedestrian and bicycle oriented area with a strong sense of place, village atmosphere and unique character of design. Future proposals for development within Planning Areas F, G and H of the Poinsettia Shores Master Plan shall be guided by the Vision Plan and all future development permits (site development plan, coastal development permit, etc.) shall be reviewed by the city for conformance with the Ponto Beachfront Village Vision Plan.”

**IV. ANALYSIS**

The proposed amendments to the General Plan and Local Coastal Program involve only text changes to the documents and do not allow for or accompany any specific development proposals. Therefore, the analysis applied to this request needs to be reviewed for overall consistency with the City’s General Plan, the Local Coastal Program and any other applicable City plans. Future development projects that implement the Ponto Beachfront Village Vision Plan may include a General Plan amendment which could affect various elements of the General Plan.

**General Plan**

Section II of the Land Use Element of the General Plan (Description of the Land Use Element), Subsection D (Special Planning Considerations) allows for the city to designate specific areas or land uses in the city for special planning consideration. Therefore, the proposed General Plan

Amendment request is consistent with this provision of the Land Use Element. The proposed amendment is also consistent with other policies of the Land Use Element relating to the overall land use pattern as shown on Table A below:

**TABLE A – GENERAL PLAN COMPLIANCE**

<b>ELEMENT</b>	<b>USE, CLASSIFICATION, GOAL, OBJECTIVE, OR PROGRAM</b>	<b>PROPOSED USES &amp; IMPROVEMENTS</b>	<b>COMPLY?</b>
Land Use	Goal A.1 A city which preserves and enhances the environment, character and image of itself as a desirable residential, beach and open space oriented community.	One of the primary goals of the Vision Plan is to encourage development which respects the prominent beach location and historical character of this area of the city.	Yes
Land Use	Goal A.3 A city which provides for land uses which through their arrangement, location and size, support and enhance the economic viability of the community.	The Vision Plan encourages a mix of land uses including commercial/retail/visitor-serving uses which will provide economic benefits to the community.	Yes
Land Use	Objective B.1 To create a distinctive sense of place and identity for each community and neighborhood of the city through the development and arrangement of various land use components.	A primary goal of the Vision Plan is to create a strong sense of place in this prominent location within the city so that residents and visitors feel they are in a unique, special neighborhood within the city.	Yes
Land Use	Objective B.3 To provide for the social and economic needs of the community in conjunction with permitted land uses.	The Vision Plan encourages a mixture of residential, retail and tourist-serving commercial in order to provide both social and economic benefits to the community.	Yes

#### Local Coastal Program

Review of the existing Local Coastal Program was done to analyze consistency of the proposed amendments to existing program policies and to determine compatibility of the Local Coastal Program with the goals and intent of the Ponto Beachfront Village Vision Plan. The Local Coastal Program encourages enhanced public access, mixed use, visitor/tourist-serving uses, visual amenities and character of design. The purpose of the requested amendment is to reference the Ponto Beachfront Village Vision Plan so that the area can be developed with these enhancements. The following summarizes specific policies in the existing Mello II and West Batiquitos Local Coastal Program Land Use Plans that are addressed by the Vision Plan:

- (1) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone.
  - The Plan proposes extensive pedestrian and bicycle paths, linkage across Carlsbad Boulevard to the State Beach and central plazas and paseos.

- (2) Visitor-serving uses (hotel/motel and restaurant) should be established.
  - The Plan allows for up to 3 hotels, to include restaurants and other visitor-serving uses.
- (3) Mixed use development (residential and recreational-commercial) shall be permitted on properties fronting on Carlsbad Boulevard across from South Carlsbad State Beach.
  - The Plan encourages a balanced and cohesive mix of local and tourist serving commercial, medium and high density residential, mixed use, live/work and open space opportunities.
- (4) In the “Unplanned Area” of Ponto, which roughly corresponds to the vacant land area north of Avenida Encinas, specific planning efforts are required. The intent is to allow a variety of uses including residential. Future uses could include commercial, residential, office and others. Consider the need for lower cost visitor or recreation facilities on west side of the railroad tracks.
  - The Plan allows residential use in this portion of the area and proposes a mixed-use commercial center along Carlsbad Boulevard.
- (5) In the area south of Avenida Encinas, hotel and timeshare units are allowed, with other uses primarily directed toward tourists visiting hotel, conference center and local scenic and recreation areas.
  - The Plan allows for a beachfront resort with hotel units, timeshares and public commercial uses.
- (6) On the southern bluff edge overlooking Batiquitos Lagoon, bluff top accessways or equivalent, overlook areas and a bike/pedestrian path should be provided.
  - The Plan proposes a multi-purpose perimeter trail along the bluff top and connecting to the rest of the area.

#### Other Applicable Plans

The northern portion of the Ponto Beachfront Village Area consists of the older Ponto area and is located within the South Carlsbad Coastal Redevelopment Plan which was approved in July 2000. The overall intent of the Redevelopment Plan is to (a) strengthen and stimulate the economic base of the area; (b) enhance commercial and recreational functions; (c) increase amenities to benefit the public; (d) increase and improve the affordable housing supply; and (e) assure quality design in the area's development. The Ponto Beachfront Village Vision Plan is consistent with the intent of the Redevelopment Plan and is the first step in achieving implementation of the Redevelopment Plan. The Redevelopment Plan defers to the General Plan, the Zoning Code and any other applicable City plans for allowable uses and development standards. Therefore, the requested actions (GPA and LCPA) are consistent with the Plan.

The southern portion of the Ponto Beachfront Village Area is located in the Poinsettia Shores Master Plan and consists of three properties known as Planning Areas F, G and H of the Master Plan. The uses permitted by the Master Plan in these Planning Areas are consistent with the uses

encouraged by the Ponto Beachfront Vision Plan and the development standards do not conflict. Therefore, the requested actions are consistent with the Poinsettia Shores Master Plan.

One lot consisting of 1.5 acres located at the northeasterly corner of the Ponto Beachfront Village Area is also located in the Poinsettia Properties Specific Plan. This Specific Plan primarily regulates development of the residential projects located north of the Vision Plan area. However, it includes this small parcel and designates it for visitor-serving commercial. This is consistent with the use for the lot encouraged by the Ponto Beachfront Village Vision Plan.

## **V. ENVIRONMENTAL REVIEW**

The California Environmental Quality Act (CEQA) requires the preparation of an Environmental Impact Report (EIR) for any project that may have a potential to cause a significant impact to the environment. On July 19, 2005 the Carlsbad City Council directed the Housing and Redevelopment Department and the Planning Department to move forward with the preparation of an EIR for the proposed project. A request for proposals was prepared, three bids were submitted and RBF Consulting was selected to prepare the independent environmental review. Accordingly, a Program EIR has been prepared for the project as required by CEQA, the CEQA Guidelines, and the Environmental Protection Procedures (Title 19) of the Municipal Code. The Program EIR requires review and recommendation by the Planning Commission and subsequent certification by the City Council.

EIRs are informational documents “which will inform public agency decision-makers and the public generally of the significant environmental effect of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project” (Section 15121 of the CEQA Guidelines). The purpose of this Program EIR is to evaluate the environmental effects of the proposal, specifically the potential future impacts resulting from development of property within the Ponto Beachfront Village Vision Plan area. It is intended for use by both the decision makers and the public. The lead agency for the project is the City of Carlsbad.

The environmental review process formally began in June 2006 with the release of a Notice of Preparation (NOP) of a Program EIR followed by a 30-day public comment period and public scoping meeting. The NOP was distributed to all responsible and trustee agencies, as well as other agencies and members of the public. The evening scoping meeting was held on June 22, 2006, at the City’s Faraday Center. At the scoping session, the public was invited to comment on the scope and content of the Program EIR. Oral and written comments were received at the scoping sessions. A copy of the NOP and the written comments received in response to the NOP and public scoping sessions are included in the Final Program EIR.

After the environmental research was compiled, a Draft Program EIR was released for a 45-day public comment period that began on April 12, 2007 and ended on May 29, 2007. A Notice of Completion of the Draft Program EIR was published in a local newspaper. The Notice included information on locations, including the City’s website and libraries in Carlsbad where the Draft Program EIR would be available to the public. This comprehensive review process afforded by the public comment period produced 52 written comments on the Program EIR from individuals



and organizations. The City considered all of the public comments on the Draft Program EIR and provided a written response mailed directly to each commentator on August 14, 2007. Responses to comments received on the Draft Program EIR are included in the Final Program EIR.

The City posted the Final Program EIR on its website and made it available for review at both public libraries, the City Clerk's office and the Community Development Department.

The Program EIR includes an analysis of potential environmental impacts associated with the following issue areas:

- Air Quality
- Biological Resources
- Cultural Resources
- Hazards and Hazardous Materials
- Noise
- Geology and Soils
- Traffic and Circulation
- Visual Aesthetics and Grading
- Agricultural Resources
- Geology and Soils
- Hydrology and Water Quality
- Land Use and Planning
- Public Utilities and Service Systems

The Program EIR concludes that:

- The project will result in unavoidable significant impacts to cumulative Air Quality and from Short-Term Construction Noise impacts. There are no feasible mitigation measures that could be implemented on a project-by-project basis that would reduce these impacts to below a level of significance. Therefore, no measures are available to the project that could feasibly avoid or substantially lessen this effect.
- The project will result in significant impacts that can be mitigated to a less than significant impact level to Biological Resources, Cultural Resources, from Hazards and Hazardous Materials, to Noise, and Traffic and Circulation.
- The project will result in less than significant impacts to Visual Aesthetics and Grading, Agricultural Resources, Geology and Soils, Hydrology and Water Quality, Land Use and Planning, and Public Utilities and Service Systems.

Additionally, the Final Program EIR includes other substantive sections required by CEQA, such as an executive summary, project description, cumulative effects, effects found not to be significant, growth inducing effects and alternatives. The alternatives include the "No Project" alternative, "Open Space" alternative, "Alternate Location" alternative, "No Development", "Increased Residential Use/Open Space" alternative and the "Increased Open Space" alternative.

The primary purpose of CEQA is to fully inform the decision makers and the public of the environmental effects of a proposed project and to include feasible mitigation measures and alternatives to reduce any such adverse effects below a level of significance. CEQA also recognizes and authorizes the approval of projects where not all adverse impacts can be fully lessened or avoided. Under CEQA, before a project which is determined to have significant, unmitigated environmental effects can be approved, the public agency must consider and adopt a "Statement of Overriding Considerations" pursuant to CEQA Guidelines 15043 and 15093. The Lead Agency must explain and justify its conclusion to approve such a project through the Statement of Overriding Considerations setting forth the project's specific economic, legal, social, technological, or other benefits which support the Lead Agency's informed conclusion to approve the project. The project will result in unavoidable significant impacts to cumulative Air Quality and from Short-Term Construction Noise impacts. The CEQA Findings of Fact and Statement of Overriding Considerations are attached to the Planning Commission Resolution for the Program EIR. Staff recommends that the Planning Commission adopt Planning Commission resolution No. 6338 recommending that the City Council certify EIR 05-05.

A copy of EIR 05-05 was previously distributed to the Planning Commission for review.

**ATTACHMENTS:**

1. Planning Commission Resolution No. 6338 (Environmental Impact Report)
2. Planning Commission Resolution No. 6339 (GPA)
3. Planning Commission Resolution No. 6340 (LCPA)
4. Planning Commission Resolution No. 6341 (DI – Vision Plan)
5. Location Map
6. Ponto Beachfront Village Vision Plan – Previously distributed
7. Ponto Beachfront Village Vision Plan Final Program EIR – previously distributed

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CASE NO.: EIR 05-05

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, examining the **Program EIR, Candidate Findings of Fact, Statement of**

1 **Overriding Considerations, and Mitigation Monitoring and Reporting Program**, analyzing  
2 the information submitted by staff, and considering any written comments received, the Planning  
3 Commission considered all factors relating to the **Program EIR**.

4  
5 NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning  
6 Commission as follows:

- 7 A) That the foregoing recitations are true and correct.
- 8 B) That the Final Program Environmental Impact Report **consists of the Final**  
9 **Program Environmental Impact Report, EIR 05-05, dated August 2007,**  
10 **appendices, written comments and responses to comments,** as amended to  
11 include the comments and documents of those testifying at the public hearing and  
12 responses thereto hereby found to be in good faith and reason by incorporating a  
13 copy of the minutes of said public hearing into the report, **all on file in the**  
14 **Planning Department incorporated by this reference, and collectively**  
15 **referred to as the "Report."**
- 16 C) That the Program Environmental Impact Report, **EIR 05-05**, as so amended and  
17 evaluated is recommended for acceptance and certification as the final Program  
18 Environmental Impact Report and that the final Program Environmental Impact  
19 Report as recommended is adequate and provides reasonable information on the  
20 project and all reasonable and feasible alternatives thereto, including no project.
- 21 D) That based on the evidence presented at the public hearing, the Planning  
22 Commission hereby **RECOMMENDS CERTIFICATION** of the Program  
23 Environmental Impact Report, **EIR 05-05; RECOMMENDS ADOPTION** of  
24 **the Candidate Findings of Fact ("CEQA Findings"), and the Statement of**  
25 **Overriding Considerations ("Statement"), attached hereto marked as Exhibit**  
26 **"EIR-A" and incorporated by this reference; and of the Mitigation**  
27 **Monitoring and Reporting Program ("Program"), attached hereto marked**  
28 **as Exhibit "EIR-B" and incorporated by this reference; based on the**  
following findings and subject to the following conditions.

23 **Findings:**

- 24 1. The Planning Commission of the City of Carlsbad does hereby find that the **Final**  
25 **Program EIR 05-05**, the Candidate Findings of Fact, the Mitigation Monitoring and  
26 Reporting Program, and the Statement of Overriding Considerations have been prepared  
in accordance with requirements of the California Environmental Quality Act, the State  
EIR Guidelines, and the Environmental Review Procedures of the City of Carlsbad.
- 27 2. The **Planning Commission** of the City of Carlsbad has reviewed, analyzed, and  
28 considered **Final Program EIR 05-05**, the environmental impacts therein identified for  
this project; the Candidate Findings of Fact ("Findings" or "CEQA Findings") and the  
Statement of Overriding Considerations attached hereto as **Exhibit "EIR-A,"** and the

Mitigation Monitoring and Reporting Program ("Program") attached hereto as **Exhibit "EIR-B,"** prior to **RECOMMENDING APPROVAL** of this project.

3. The **Planning Commission** finds that **Final Program EIR 05-05** reflects the independent judgment of the City of Carlsbad **Planning Commission**.
4. The **Planning Commission** does accept as its own, incorporate as if set forth in full herein, and make each and every one of the findings contained in the CEQA Findings (**Exhibit "EIR-A"**), including feasibility of mitigation measures pursuant to Public Resources Code 21081 and CEQA Guidelines 15091, and infeasibility of project alternatives.
5. The **Planning Commission** hereby finds that the Program (**Exhibit "EIR-B"**) is designed to ensure that during project implementation, the Developer and any other responsible parties implement the project components and comply with the feasible mitigation measures identified in the CEQA Findings and the Program.
6. Although certain significant or potentially significant environmental effects caused by the project will remain, even after the adoption of all feasible mitigation measures and any feasible alternatives, there are specific economic, social and other considerations that render the unavoidable significant adverse environmental effects acceptable, as set forth in the Statement.
7. The Record of Proceedings for this project consists of **The Report, CEQA Findings, Statement and Program; all reports, applications, memoranda, maps, letters and other planning documents prepared by the planning consultant, the environmental consultant, and the City of Carlsbad that are before the decision makers as determined by the City Clerk; all documents submitted by members of the public and public agencies in connection with the Program EIR; minutes of all public meetings and public hearings; and matters of common knowledge to the City of Carlsbad which they may consider, including but not limited to, the Carlsbad General Plan, Carlsbad Zoning Ordinance, South Carlsbad Coastal Redevelopment Plan, Poinsettia Shores Master Plan, Poinsettia Properties Specific Plan, and Local Facilities Management Plan** which may be found at **1200 Carlsbad Village Drive** in the custody of the City Clerk, and **1635 Faraday Avenue** in the custody of the Director of Planning.

**Conditions:**

1. All future developers shall implement the mitigation measures described in Exhibit "EIR-B," the Mitigation Monitoring and Reporting Program, for the mitigation measures and monitoring programs applicable to development of the Ponto Beachfront Village Vision Plan.

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1 PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning  
2 Commission of the City of Carlsbad, California, held on the **5th** day of **September, 2007**, by the  
3 following vote, to wit:  
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5 AYES:

6 NOES:

7 ABSENT:

8 ABSTAIN:  
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JULIE BAKER, Chairperson  
CARLSBAD PLANNING COMMISSION  
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14 ATTEST:  
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DON NEU  
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**PONTO BEACHFRONT VILLAGE VISION PLAN  
EIR 05-05/GPA 05-04/LCPA 05-01/DI 05-01  
SCH No. 2007031141**

**CEQA FINDINGS REGARDING SIGNIFICANT EFFECTS**

**August 2007**

Pursuant to Section 15091 of the State CEQA Guidelines, the City of Carlsbad finds that, for each of the significant effects identified in the FEIR, changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen ("mitigate") each of the significant environmental effects as identified in the Final Environmental Impact Report (FEIR). The Impacts and Mitigation Measures are stated fully in the FEIR. The following are brief explanations of the rationale for this finding for each impact:

**(1) Air Quality**

**Impact AQ-2:** With implementation of the project, Impact AQ-2 may result in significant impacts on air quality from the generation of fugitive dust as a result of trucks hauling material on- and offsite.

**Mitigation Measure AQ-2:** The mitigation measure specified in the FEIR has been imposed upon the project as a condition of approval, requiring mitigation for significant impacts to air quality associated with fugitive dust resulting from trucks hauling material on- and offsite. To reduce potential impacts from project-generated fugitive dust, as a result of trucks hauling material on- and offsite, all trucks hauling excavated or graded material shall comply with State Vehicle Code Section 23114, with special attention to Sections 23114(b)(F), (e)(2) and (e)(4), as amended, regarding the prevention of such material spilling onto public streets.

Implementation of Mitigation Measure AQ-2 would reduce potential significant impacts on air quality from the generation of fugitive dust as a result of trucks hauling material on- and offsite because prevention methods would reduce the amount of fugitive dust emissions generated. Implementation of fugitive dust control techniques included in Mitigation Measure AQ-2 will reduce Impact AQ-2 to less than significant.

***Asbestos***

**Impact AQ-4:** With implementation of the project, Impact AQ-4 may result in significant impacts on air quality from the potential exposure of asbestos to sensitive receptors during demolition activities.

**Mitigation Measure AQ-4:** The mitigation measure specified in the FEIR has been imposed upon the project as a condition of approval, requiring the project proponent to mitigate for potential air quality impacts associated with the potential exposure of asbestos to sensitive receptors during demolition activities. To reduce potential impacts resulting from the exposure of asbestos during demolition activities the construction contractor shall adhere to SDAPCD District

Rule 361.150 (Standards for Waste Disposal for Manufacturing, Fabricating, Demolition, Renovation, and Spraying Operations) to regulate asbestos emissions as a result of demolition activities.

Implementation of Mitigation Measure AQ-4 would reduce potential significant impacts on air quality associated with the potential exposure of asbestos to sensitive receptors because the regulation has been a proven method to reduce the potential for the exposure of asbestos. Implementation of Mitigation Measure AQ-4 will reduce Impact AQ-4 to less than significant.

#### ***Reactive Organic Gas and Volatile Organic Compound Emissions***

**Impact AQ-5:** With implementation of the project, Impact AQ-5 may significantly impact sensitive receptors from the potential exposure of pollutant concentrations of reactive organic gas and volatile organic compound emissions as a result of future improvement activities.

**Mitigation Measure AQ-5:** The mitigation measure specified in the FEIR has been imposed upon the project as a condition of approval, requiring mitigation for the potential exposure of sensitive receptors to pollutant concentrations of reactive organic gas and volatile organic compound emissions, resulting from future improvement activities. To reduce potential impacts resulting from the exposure of sensitive receptors to pollutant concentrations, the construction contractor shall adhere to SDAPCD District Rule 67.0 (Architectural Coatings) to limit volatile organic compounds from architectural coatings. This rule specifies storage, clean up, and labeling requirements for architectural coatings.

Implementation of Mitigation Measure AQ-5 would reduce significant impacts associated with the potential exposure of sensitive receptors to pollutant concentrations of reactive organic gas and volatile organic compound emissions because the regulation has been a proven method to reduce the potential for the exposure of pollutant concentrations. Implementation of Mitigation Measure AQ-5 will reduce Impact AQ-5 to less than significant.

**FINDING:** Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Potential impacts on air quality will be reduced to less than significant as a result of implementation of Mitigation Measures AQ-2, AQ-4 and AQ-5.

## **(2) Biological Resources**

### **Direct Impacts**

#### ***Sensitive Vegetation Communities***

Impact B-1: With implementation of the project, Impact B-1 would result in significant impacts to 47.6 acres of sensitive vegetation communities including: 0.04 acre of southern willow scrub, 0.1 acre of disturbed southern coastal bluff scrub, 1.2 acres of Diegan coastal sage scrub (including disturbed), 0.3 acre of eucalyptus woodland, and 21.1 acres of disturbed habitat.



**Mitigation Measure B-1a:** The mitigation measure specified in the FEIR has been imposed upon the project as a condition of approval, requiring mitigation for significant impacts to southern willow scrub. To reduce potential impacts to southern willow scrub, impacts to 0.04 acre of southern willow scrub shall be mitigated at a 3:1 ratio either through offsite creation at a 1:1 ratio and enhancement at a 2:1 ratio, or offsite acquisition at a 3:1 ratio of 0.12 acre of southern willow scrub credit at a wetland mitigation bank. If credits are not purchased, a Restoration Plan for habitat creation and enhancement shall be submitted to the USFWS, CDFG, and City for approval prior to issuance of any grading or construction permits, and prior to approval of a final map.

**Mitigation Measure B-1b:** The mitigation measure specified in the FEIR has been imposed upon the project as a condition of approval, requiring mitigation for significant impacts to southern coastal bluff. To reduce potential impacts to southern coastal bluff, impacts to 0.1 acre of southern coastal bluff scrub (including disturbed) shall be mitigated at a 3:1 ratio either through offsite creation at a 1:1 ratio and enhancement at a 2:1 ratio, or offsite acquisition at a 3:1 ratio of 0.12 acre of southern coastal bluff scrub at an approved mitigation bank. If credits are not purchased, a Restoration Plan for habitat creation and enhancement shall be submitted to the USFWS, CDFG, and City for approval prior to issuance of any grading or construction permits, and prior to approval of a final map.

**Mitigation Measure B-1c:** The mitigation measure specified in the FEIR has been imposed upon the project as a condition of approval, requiring mitigation for significant impacts to Diegan coastal sage scrub. To reduce potential impacts to Diegan coastal sage scrub, impacts to 1.2 acres of unoccupied Diegan coastal sage scrub (including disturbed) shall be mitigated at a 2:1 ratio through creation at a minimum 1:1 ratio (to meet the no net loss policy of Diegan coastal sage scrub within the coastal zone), and either creation or offsite acquisition at a 1:1 ratio. If credits are not purchased, a Restoration Plan for habitat creation and enhancement shall be submitted to the USFWS, CDFG, and City for approval prior to issuance of any grading or construction permits and prior to approval of a final map.

**Mitigation Measure B-1d:** The mitigation measure specified in the FEIR has been imposed upon the project as a condition of approval, requiring mitigation for significant impacts eucalyptus woodland. To reduce impacts, impacts to 0.3 acre of eucalyptus woodland shall be mitigated with payment of a fee into the City's Habitat In Lieu Mitigation Fee fund, consistent with the City's fee schedule at the time of permit issuance. The City has adopted an In Lieu Mitigation Fee, consistent with Section E.6 of the Habitat Management Plan and City Council Resolution No. 2000-223 to fund mitigation for impacts to certain categories of vegetation and animal species. All development projects within the Ponto Area shall be required to pay the fee in order to be found consistent with the Habitat Management Plan and the Open Space and Conservation Element of the General Plan. The fee shall be paid prior to recordation of a final map or issuance of a grading permit or building permit, whichever occurs first.

**Mitigation Measure B-1e:** The mitigation measure specified in the FEIR has been imposed upon the project as a condition of approval, requiring mitigation for significant impacts to disturbed habitat. To reduce impacts, impacts to 21.1 acres of disturbed habitat shall be mitigated with payment into the City's Habitat In Lieu Mitigation Fee fund, consistent with the City's fee schedule at the time of permit issuance. The City has adopted an In Lieu Mitigation Fee, consistent with Section E.6 of the Habitat Management Plan and City Council Resolution No. 2000-223 to fund mitigation for impacts to certain categories of vegetation and animal species. All development projects within the Ponto Area shall be required to pay the fee in order to be found consistent with the Habitat Management Plan and the Open Space and Conservation Element of the General Plan. The fee shall be paid prior to recordation of a final map or issuance of a grading permit or building permit, whichever occurs first.

**Mitigation Measure B-1f:** The mitigation measure specified in the FEIR has been imposed upon the project as a condition of approval, requiring mitigation for significant impacts to impacts to southern willow scrub, southern coastal bluff scrub, and/or Diegan coastal sage scrub. If restoration for impacts to southern willow scrub, southern coastal bluff scrub, and/or Diegan coastal sage scrub occurs, the project applicant shall execute and record a biological conservation easement over habitat to be preserved in perpetuity for project-related mitigation. The easement shall be in favor of an agent approved by the USFWS and CDFG. Either the USFWS or CDFG shall be named as third party beneficiary. Further, the project applicant shall prepare and implement a perpetual management, maintenance, and monitoring plan for all biological conservation easements. The project applicant shall also provide a non-wasting endowment for an amount approved by the USFWS and CDFG (based on a cost estimation method) to secure the ongoing funding for the perpetual management, maintenance, and monitoring of biological conservation easement areas.

**Mitigation Measure B-1g:** The mitigation measure specified in the FEIR has been imposed upon the project as a condition of approval, requiring mitigation for significant impacts to impacts to southern willow scrub, southern coastal bluff scrub, and/or Diegan coastal sage scrub. Project-specific development shall be required to comply with the provisions of Section 7-11 (Buffers and Fuel Management) and Section 7-12 (Grading and Landscaping Requirements) of the City's HMP.

Implementation of Mitigation Measures B-1a through B-1g would reduce impacts associated with significant impacts to sensitive vegetation communities, specifically southern willow scrub, southern coastal bluff scrub (including disturbed), Diegan coastal sage scrub (including disturbed), eucalyptus woodland, and disturbed habitat, because these requirements would ensure that a greater value of habitat will be preserved than that which is impacted. Through the purchase of credits in an approved mitigation bank or through preparation of a Restoration Plan, implementation of these measures would assist in the creation of large blocks of habitat that will enhance the long-term viability of the vegetation

communities impacted by the project. Furthermore, implementation of Mitigation Measures B-1a through B-1g would reduce potential impacts to sensitive vegetation communities by requiring compensatory mitigation to be established, before the impacts would take place. Implementation of Mitigation Measures B-1a through B-1g will reduce Impact B-1 to less than significant.

### ***Jurisdictional Areas***

**Impact B-2:** With implementation of the project, Impact B-2 would result in significant impacts to 0.15 acre of Corps jurisdictional areas, including 0.04 acre of southern willow scrub and 0.11 acre of non-wetland Waters of the U.S; and 0.21 acre of CDFG jurisdictional areas, including 0.04 acre of southern willow scrub and 0.17 acre of streambed.

**Mitigation Measure B-2a:** The mitigation measure specified in the FEIR has been imposed upon the project as a condition of approval, requiring mitigation for significant impacts to Corps jurisdictional areas and non-wetland Waters of the U.S. Impacts to 0.04 acre of Corps jurisdictional wetlands and 0.11 acre of non-wetland Waters of the U.S. shall be mitigated by the creation and/or enhancement of 0.23 acre of jurisdictional areas offsite at 3:1 and 1:1 ratio, respectively, as determined by the resource agencies.

**Mitigation Measure B-2b:** The mitigation measure specified in the FEIR has been imposed upon the project as a condition of approval, requiring the project proponent to mitigate for significant impacts to CDFG jurisdictional areas. Impacts to 0.04 acre of CDFG jurisdictional wetlands and 0.17 acre of CDFG jurisdictional streambed shall be mitigated by the creation and/or enhancement of 0.29 acre of jurisdictional areas offsite at 3:1 and 1:1 ratio, respectively, as determined by the resource agencies.

Implementation of Mitigation Measures B-2a and B-2b would reduce potential significant impacts to jurisdictional areas, specifically, Corps jurisdictional areas, non-wetland Waters of the U.S, and CDFG jurisdictional areas because these requirements would ensure that an equal or greater value of jurisdictional areas will be preserved than that impacted by the project. Implementation of Mitigation Measures B-2a and B-2b will reduce Impact B-2 to less than significant.

### ***Construction Noise***

**Impact B-3:** With implementation of the project, Impact B-3 would result in significant impacts on local wildlife from noise associated with development of the Ponto Area from such sources as grubbing, grading, and vehicular traffic. Construction-related noise impacts would be considered significant if sensitive species (such as coastal California gnatcatcher, least tern, or raptors) were displaced from their nests and failed to breed. Birds nesting within any area impacted by noise exceeding 60 dB  $L_{eq}$  may be significantly impacted. Any construction activity within 500 feet of an active coastal California gnatcatcher, California least tern, or raptor nest would be considered significant.

**Mitigation Measure B-3a:** The mitigation measure specified in the FEIR has been imposed upon the project as a condition of approval, requiring mitigation for significant impacts to coastal California gnatcatchers from construction noise associated with development of the Ponto Area. To reduce impacts from construction noise, no grubbing, grading, or clearing within 500 feet of occupied Diegan coastal sage scrub during the coastal California gnatcatcher breeding season (March 1 through August 15) shall occur. As such, all grading permits, improvement plans, and the final map shall state the same. If grubbing, grading, or clearing is proposed during the coastal California gnatcatcher breeding season, a pre-construction survey shall be conducted to determine if this species occurs within the areas impacted by noise (either within 500 feet or where noise is greater than 60 dB Leq or the ambient noise level). If there are no coastal California gnatcatchers nesting (includes nest building or other breeding/nesting behavior) within this impact area, development shall be allowed to proceed. However, if coastal California gnatcatchers are observed nesting or displaying breeding/nesting behavior within the area, construction shall (1) be postponed until all nesting (or breeding/nesting behavior) has ceased or until after August 15; or (2) a temporary noise barrier or berm shall be constructed at the edge of the development footprint to ensure that noise levels are reduced to below 60 dB Leq. Alternatively, the use of construction equipment could be scheduled to keep noise levels below 60 dB Leq, or the ambient noise level, in lieu of or in concert with a wall or other noise barrier.

**Mitigation Measure B-3b:** The mitigation measure specified in the FEIR has been imposed upon the project as a condition of approval, requiring mitigation for significant impacts to the California least tern from construction noise associated with development of the Ponto Area. To reduce impacts from construction noise, no grubbing, grading, or clearing within 500 feet of the Least Tern Preserve during the least tern breeding season (April through September) shall occur. As such, all grading permits, improvement plans, and the final map shall state the same. If grubbing, grading, or clearing is proposed during the Least Tern breeding season, a noise study shall be conducted to determine if construction noise would be greater than 60 dB Leq or the ambient noise level within the Least Tern Preserve. If the noise level within this impact area exceeds 60 dB Leq or the ambient noise level within the Least Tern Preserve, construction shall (1) be postponed until all nesting (or breeding/nesting behavior) has ceased or until after September 30; or (2) a temporary noise barrier or berm shall be constructed at the edge of the development footprint to ensure that noise levels are reduced to below 60 dB Leq, or the ambient noise level. Alternatively, the use of construction equipment could be scheduled to keep noise levels below 60 dB Leq, or the ambient noise level, in concert with a wall or other noise barrier.

**Mitigation Measure B-3c:** The mitigation measure specified in the FEIR has been imposed upon the project as a condition of approval, requiring mitigation for significant impacts to raptor nests from noise associated with development of the Ponto Area. To reduce impacts from construction noise, no grubbing, grading, or clearing within 500 feet of raptor nesting habitat (such as eucalyptus trees) during

the raptor breeding season (December through July) shall occur. As such, all grading permits, improvement plans, and the final map shall state the same. If grubbing, grading, or clearing is proposed during the raptor breeding season, a pre-construction survey shall be conducted to determine if raptors are nesting within the areas impacted by noise (either within 500 feet or where noise is greater than 60 dB  $L_{eq}$  or the ambient noise level). If there are no raptors nesting (includes nest building or other breeding/nesting behavior) within this area, development shall be allowed to proceed. However, if raptors are observed nesting or displaying breeding/nesting behavior within the area, construction shall (1) be postponed until all nesting (or breeding/nesting behavior) has ceased or until after July 15; or (2) a temporary noise barrier or berm shall be constructed at the edge of the development footprint to ensure that noise levels are reduced to below 60 dB  $L_{eq}$  or the ambient noise level. Alternatively, the use of construction equipment could be scheduled to keep noise levels below 60 dB  $L_{eq}$  or the ambient noise level, in lieu of or in concert with a wall or other noise barrier.

**Mitigation Measure B-3d:** The mitigation measure specified in the FEIR has been imposed upon the project as a condition of approval, requiring mitigation for significant impacts to avian species from noise associated with development of the Ponto Area. To reduce impacts from construction noise, and in order to ensure compliance with the MBTA, clearing of all vegetation shall occur outside of the breeding season of most avian species (February 15 through September 15). Grubbing, grading, or clearing during the breeding season of MBTA-covered species may occur if it is determined via a pre-construction survey that no nesting birds (or birds displaying breeding or nesting behavior) are present immediately prior to grubbing, grading, or clearing activities, and would require approval of the City, USFWS, and CDFG that no breeding or nesting avian species are present in the vicinity of the grubbing, grading, or clearing activities.

Implementation of Mitigation Measures B-3a through B-3d would reduce potentially significant impacts on local wildlife resulting from construction noise from grubbing, grading, and clearing activities, as well as from construction-related vehicle traffic, because prior to construction, a qualified biologist will ensure that construction activity will not disrupt local sensitive wildlife. Implementation of Mitigation Measures B-3a through B-3d will reduce Impact B-3 to less than significant.

### ***Domesticated Pets***

**Impact B-4:** With implementation of the project, Impact B-4 may result in significant impacts to native wildlife from the increased presence of domesticated animals and nuisance species. Cats, especially, are known to hunt rodents and birds. In addition, commercial and residential uses may introduce Argentine ants (*Linepithema humile*) to local habitats, which could have significant consequences for native ant species and animals that feed on them.

**Mitigation Measure B-4:** The mitigation measure specified in the FEIR has been imposed upon the project as a condition of approval, requiring mitigation for significant impacts to native wildlife from the increased presence of nuisance

species and domesticated animals. To reduce impacts on native wildlife, each Homeowner's Association (HOA; for residential projects), property owners (for all non-residential projects), and the City of Carlsbad (for public spaces), shall be responsible for taking steps to prevent problems from nuisance animals and pets by an integrated program of education; signage; litter and refuse collection; prohibition against feeding wildlife, pest-proof refuse containers; pest eradication (as necessary), and coordination with CDFG and other habitat managers as necessary. In addition, permanent fencing, approved by the USFWS and CDFG, shall be provided along the top of slope overlooking Batiquitos Lagoon to reduce intrusion into the lagoon by pets.

Implementation of Mitigation Measure B-4 would reduce potentially significant impacts on native wildlife from the increased presence of nuisance species and domesticated animals because controls and restrictions will be placed on human activities that would contribute to potential impacts. Mitigation Measure B-4 designates that a specific entity will be responsible for each development area for controlling access of domestic pets to open space areas. Implementation of Mitigation Measure B-4 will reduce Impact B-4 to less than significant.

### ***Night Lighting***

**Impact B-5:** With implementation of the project, Impact B-5 may result in significant impacts on native habitats from night lighting that can provide nocturnal predators with an unnatural advantage over their prey. This could potentially result in an increase in the loss of native wildlife, especially sensitive species that may occur within the study area.

**Mitigation Measure B-5:** The mitigation measure specified in the FEIR has been imposed upon the project as a condition of approval, requiring mitigation for significant impacts on native habitats from night lighting. To reduce impacts, outdoor lighting proposed with development of lands adjacent to preserved habitat (i.e. Resort Hotel) shall be of the lowest illumination allowed for human safety, and selectively placed, shielded, and directed away from preserved habitat. Outdoor lighting proposed with development plans for such lands shall be reviewed and approved by the City as part of the application review process to reduce potential impacts relative to light and glare.

Implementation of Mitigation Measure B-5 would reduce impacts associated with significant impacts on native habitats from night lighting, because controls and restrictions will be placed to ensure that light spillover is minimized by shielding and pointing lighting away from adjacent preserved habitat. Implementation of Mitigation Measure B-5 will reduce Impact B-5 to less than significant.

### ***Errant Construction Impacts***

**Impact B-6:** With implementation of the project, Impact B-6 may result in significant impacts from construction activities associated with development of the Ponto Area, and with offsite improvements that have the potential to result in errant impacts outside of the intended construction limits. Any grubbing, clearing, grading, or other impacts that inadvertently occur outside of the limits of

construction in areas where sensitive habitat occurs would be considered significant.

**Mitigation Measure B-6:** The mitigation measure specified in the FEIR has been imposed upon the project as a condition of approval, requiring mitigation for significant impacts from errant construction activities. To reduce impacts from errant construction activities during the construction period, limits of grading and clearing shall be clearly delineated with temporary fencing such as orange construction and silt fencing to ensure that construction activity remains within the defined limits of disturbance, according to the grading plan. All temporary fencing shall be placed on the impact side of the interface. A qualified biologist shall inspect the fencing and shall monitor construction activities occurring adjacent to the construction limits to avoid unauthorized impacts. Unauthorized impacts shall be reported to the USFWS, CDFG, and City within 24 hours of occurrence and shall be mitigated at a 5:1 ratio. Temporary fencing shall be removed only after the conclusion of all grading, clearing, and construction.

Implementation of Mitigation Measure B-6 would reduce significant impacts associated with significant impacts from errant construction activities because controls and restrictions will be implemented to ensure that fencing is installed prior to grading activities to delineate the limits of construction. In addition, a monitor will be required to inspect all such fences to ensure they are in place and visible. Implementation of Mitigation Measure B-6 will reduce Impact B-6 to less than significant.

**FINDING:** Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Potential impacts to biological resources are less than significant as a result of implementation of Mitigation Measures B-1 through B-6.

### **(3) Cultural**

**Impact CR-1:** With implementation of the project, Impact CR-1 may result in significant impacts to archaeological resources or human remains resulting from grading or construction activities.

**Mitigation Measure CR-1:** The mitigation measure specified in the FEIR has been imposed upon the project as a condition of approval, requiring mitigation for significant impacts to archaeological resources or human remains. To reduce impacts to archaeological resources or human remains, prior to issuance of any grading permits or approval of improvement plans, the applicant shall implement a Data Recovery Program, in compliance with the City of Carlsbad's Cultural Resource Guidelines Criteria and Methodology, to mitigate potential impacts to undiscovered buried archaeological or paleontological resources on properties located within the Ponto Area to the satisfaction of the Planning Director. This Program shall include, but shall not be limited to, the following actions: Provide evidence to the Planning Department that a qualified archaeologist and/or archaeological monitor has been contracted to implement a grading, trenching,

brushing monitoring and data recovery program to the satisfaction of the Planning Director. A copy of the contract as well as a letter from the applicant and the archaeologist and/or archaeological monitor shall be submitted to the Planning Director. The contract shall include the following guidelines: a) The consulting archaeologist shall contract with a Native American monitor to be involved with the grading monitoring program; b) the consulting archaeologist/historian and Native American monitor shall attend the pre-grading meeting with the contractors to explain and coordinate the requirements of the monitoring program; c) the consulting archaeologist shall monitor all areas identified for development; d) an adequate number of monitors (archaeological/historical/paleontological/ Native American) shall be present to ensure that all earth-moving activities are observed and shall be onsite during all grading activities; e) during the original cutting of previously undisturbed deposits, the archaeological monitor(s) and Native American monitor shall be onsite full-time to perform full-time monitoring as determined by the Principal Investigator of the excavations. The frequency of inspections will depend on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features; f) isolates and clearly non-significant deposits will be minimally documented in the field and the monitored grading can proceed; g) in the event that previously unidentified, potentially significant cultural resources are discovered, the archaeological monitor(s) shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources. The archaeologist shall contact the City at the time of discovery. The archaeologist, in consultation with the City, shall determine the significance of the discovered resources. The City must concur with the evaluation before construction activities will be allowed to resume in the affected area. For significant cultural resources, a Data Recovery Program to mitigate impacts shall be prepared by the consulting archaeologist and approved by the City, then carried out using professional archaeological methods. If any human bones are discovered, the Principal Investigator shall contact the City Coroner. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted in order to determine proper treatment and disposition of the remains; i) before construction activities are allowed to resume in the affected area, the artifacts shall be recovered and features recorded using professional archaeological methods. The archaeological monitor(s)/Principal Investigator shall determine the amount of material to be recovered for an adequate sample for analysis; j) in the event that previously unidentified cultural resources are discovered, all cultural material collected during the grading monitoring program and all previous archaeological studies shall be processed and curated according to current professional repository standards. The collections and associated records shall be transferred, including release of title, to be permanently curated at a qualified repository as defined by the "State of California Guidelines for the Curation of Archaeological Collections." The affected landowner shall agree to pay such fees as required for curation that are in effect for the selected repository at the time of curation. Evidence must be provided to the satisfaction of the



Planning Director and that all fees have been paid. All curation activities shall be completed within six months of project completion; k) in the event that previously unidentified cultural resources are discovered, a report documenting the field and analysis results and interpreting the artifact and research data within the research context shall be completed and submitted to the satisfaction of the Planning Director prior to the issuance of any building permits; l) in the event that no cultural resources are discovered, a brief letter to that effect shall be sent to the Planning Director by the consulting archaeologist that the grading monitoring activities have been completed.

Implementation of Mitigation Measure CR-1 would reduce impacts associated with significant impacts on archeological resources or human remains resulting from grading and construction activities because, prior to the issuance of a grading permit, a Data Recovery Program for significant cultural resources would be implemented for potentially areas disturbed by site development activities. A qualified archaeological monitor would be required to be present onsite during grading activities. The monitor would be responsible for identifying, testing, and proper curation of sensitive cultural resources discovered during the site grading process. Implementation of Mitigation Measure CR-1 will reduce Impact CR-1 to less than significant.

#### ***Paleontological Resources***

**Impact CR-2:** With implementation of the project, Impact CR-2 may result in significant impacts on paleontological resources uncovered onsite during project grading and disruption of soils. In addition, offsite activity resulting from project implementation would largely be limited to improvements required to improve Carlsbad Boulevard and for utility improvements. Potential project-related impacts to offsite paleontological resources are considered less than significant, particularly since no such resources have been identified to date in areas that would be affected by development of the project. As such, project-related disturbance to offsite areas from proposed improvements is not anticipated to result in significant impacts to paleontological resources. However, mitigation is proposed to prevent potential impacts to such resources, should they be uncovered during project development.

**Mitigation Measure CR-2:** The mitigation measure specified in the FEIR has been imposed upon the project as a condition of approval, requiring mitigation for potentially significant impacts to paleontological resources. To reduce impacts on paleontological resources, prior to issuance of grading permits and approval of improvement plans pursuant to approval of any map, the applicant shall retain a qualified paleontologist to monitor the site during grading. The applicant shall provide evidence to the satisfaction of the Planning Director of contracting with a paleontologist through a letter prepared by the paleontologist that states he/she has been retained by the applicant. The paleontologist shall attend all pre-grading meetings to consult with grading contractors.

A paleontological monitor shall be present onsite during all grading operations to evaluate the presence of fossils. The paleontologist shall have the authority to

direct, divert, or halt any grading activity until such time that the sensitivity of the resource can be determined and the appropriate mitigation implemented.

Prior to approval of the Final Map, the applicant shall furnish documentary evidence to the satisfaction of the Planning Director that prepared fossils, along with copies of field notes, photos, and maps, have been deposited in a scientific institution, such as the San Diego Natural History Museum.

Implementation of Mitigation Measure CR-2 would reduce significant impacts on paleontological resources resulting from grading and construction activities because prior to the issuance of any grading permits, a data recovery program for cultural resources would be implemented for construction areas. A qualified paleontological monitor would be required to be present onsite during grading activities. The monitor would be responsible for identifying, testing and the proper curation of any sensitive paleontological resource discovered during the grading process. Implementation of Mitigation Measure CR-2 will reduce Impact CR-2 to less than significant.

**FINDING:** Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Potential impacts to cultural or paleontological resources will be less than significant as a result of implementation of Mitigation Measures CR-1 and CR-2.

**(4) Hazards and Hazardous Materials**

**Existing Hazardous Materials Onsite**

***Structures***

**Impact HM-1:** With implementation of the project, Impact HM-1 may result in significant impacts from the potential to release hazardous materials, from the demolition or renovation of existing structures, into the environment.

**Mitigation Measure HM-1:** The mitigation measure specified in the FEIR has been imposed upon the project as a condition of approval, requiring mitigation for significant impacts resulting from the potential release of hazardous materials into the environment. To reduce impacts from the release of hazardous materials into the environment, prior to the commencement of demolition or renovation activities, the interior of individual onsite structures within the Ponto Area shall be visually inspected. Should hazardous materials be encountered with any onsite structure, the materials shall be tested and properly disposed of offsite in accordance with State and Federal regulatory requirements. Any stained soils or surfaces underneath the removed materials shall be sampled. Results of the sampling would indicate the appropriate level of remediation efforts that may be required.

Implementation of Mitigation Measure HM-1 would reduce significant impacts from the potential release of hazardous materials from demolition or renovation of existing structures into the environment because, prior to the commencement of

demolition or renovation activities, existing hazardous materials will be identified and proper remediation efforts will be implemented to ensure hazardous material are not released into the environment. Implementation of Mitigation Measure HM-1 will reduce Impact HM-1 to less than significant.

### ***Asbestos Containing Materials***

**Impact HM-2:** With implementation of the project, Impact HM-2 may result in significant impacts from the potential for the exposure of asbestos containing materials (ACMs) (within onsite structures built prior to 1978) into the environment.

**Mitigation Measure HM-2:** The mitigation measure specified in the FEIR has been imposed upon the project as a condition of approval, requiring mitigation for significant impacts from the potential release of ACMs into the environment. To reduce impacts from the potential release of ACMs into the environment, prior to the commencement of any remedial or demolition work, building owners shall contract with a certified professional to conduct an asbestos survey, consistent with National Emission Standards for Hazardous Air Pollutants (NESHAP) standards to determine the presence of ACMs. Demolition of or within existing buildings on individual parcels onsite must comply with State law, which requires the presence of a certified contractor where there is asbestos-related work involving 100 square feet or more of ACMs, to ensure that required procedures regarding the removal of asbestos are followed.

Implementation of Mitigation Measure HM-2 would reduce significant impacts from the potential release of ACMs into the environment because, prior to the commencement of demolition or renovation activities, existing ACMs will be identified and proper remediation efforts will be implemented to ensure that ACMs are not released into the environment. Implementation of Mitigation Measure HM-2 will reduce Impact HM-2 to less than significant.

### ***Lead Based Paints***

**Impact HM-3:** With implementation of the project, Impact HM-3 may result in significant impacts from the potential release of lead based paint (LBPs) (within onsite structures built prior to 1978) into the environment.

**Mitigation Measure HM-3:** The mitigation measure specified in the FEIR has been imposed upon the project as a condition of approval, requiring mitigation for significant impacts from the potential release of LBPs into the environment. To reduce impacts from the potential release of LBP, if, during demolition of any onsite structures on individual parcels, paint is separated from the building material (e.g., chemically or physically), the paint waste shall be evaluated independently from the building material to determine its proper management. According to the Department of Substances Control, if paint is not removed from the building material during demolition (and is not chipping or peeling), the material could be disposed of as construction debris (a non-hazardous waste). It is recommended that the landfill operator be contacted in advance to determine specific requirements for the disposal of lead-based paint materials.

Implementation of Mitigation Measure HM-3 would reduce significant impacts from the potential release of LBPs into the environment because, prior to the commencement of demolition or renovation activities, existing LBPs will be identified and proper remediation efforts will be implemented to ensure that LBPs are not released into the environment. Implementation of Mitigation Measure HM-3 will reduce Impact HM-3 to less than significant.

### ***Other Hazardous Materials***

#### ***Miscellaneous Debris***

**Impact HM-4:** With implementation of the project, Impact HM-4 may result in significant impacts from the potential for hazardous materials from miscellaneous debris piles to seep into the soil below and contaminate underlying groundwater, thereby releasing hazardous materials into the environment.

In addition, other hazardous materials may pose a potential hazard to future occupants of the Ponto Area. The Phase I ESA identified other potentially hazardous materials or conditions such as stained soils, unidentified pipes, onsite storage units, ASTs and unidentified soil/gravel piles. These conditions may be potentially hazardous and may represent the potential for release of hazardous materials into the environment.

**Mitigation Measure HM-4:** The mitigation measure specified in the FEIR has been imposed upon the project as a condition of approval, requiring mitigation for significant impacts from the seepage of hazardous materials from miscellaneous debris piles into the soil below and the subsequent contamination of underlying groundwater. To reduce potential impacts from such hazardous materials, prior to issuance of a grading permit, all miscellaneous debris (i.e., wood, concrete, 55-gallon drums, miscellaneous household debris, automobiles, scrap metal, construction equipment, paint cans, batteries, plastic and metal piping, etc.) shall be removed offsite and properly disposed of at an approved landfill facility. Once removed, a visual inspection of the area beneath the removed materials shall be performed. Any stained soils observed underneath the removed materials shall be sampled. Results of the sampling (if necessary) would indicate the level of remediation efforts that shall be required.

All light industrial equipment associated with hazardous materials storage, mixing, and/or use (i.e., fume-hoods, vents, piping, etc.) shall be properly disposed of in accordance with State and Federal regulations at an approved offsite landfill facility.

#### ***Septic Tanks***

**Mitigation Measure HM-5:** The mitigation measure specified in the FEIR has been imposed upon the project as a condition of approval, requiring mitigation for significant impacts from the potential release of hazardous materials from septic tanks into the environment. To reduce potential impacts, prior to the issuance of a grading permit, the specific location of onsite septic tanks shall be determined. Once located, septic tanks shall be removed and properly disposed of at an

approved offsite landfill facility. Once the tanks are removed, a visual inspection of the area beneath and around the removed tanks shall be performed. Any stained soils observed underneath the septic tanks shall be sampled. Results of the sampling (if necessary) would indicate the level of remediation efforts that shall be required.

#### *Unidentified Pipes*

**Mitigation Measure HM-6:** The mitigation measure specified in the FEIR has been imposed upon the project as a condition of approval, requiring mitigation for significant impacts from the potential release of hazardous materials from unidentified pipes into the environment. To reduce potential impacts, prior to issuance of a grading permit, the terminus of all existing, unidentified metal pipes within an individual property shall be defined (as applicable). Should a UST be present in association with such pipes, the UST shall be removed and properly disposed of offsite at an approved landfill facility. Once the UST is removed, a visual inspection of the areas beneath and around the removed UST shall be performed. Any stained soils observed underneath the UST shall be sampled. As a result of sampling (if necessary), the identified level of remediation shall be required.

#### *Pole-mounted Transformers*

**Mitigation Measure HM-7:** The mitigation measure specified in the FEIR has been imposed upon the project as a condition of approval, requiring mitigation for significant impacts from the potential release of hazardous materials from pole-mounted transformers into the environment. To reduce potential impacts, transformers and/or hydraulic lifts to be relocated during site construction/demolition shall be conducted under the supervision of the local utility purveyor to identify property-handling procedures regarding potential PCBs.

#### *Stained Concrete/Asphalt*

**Mitigation Measure HM-8:** The mitigation measure specified in the FEIR has been imposed upon the project as a condition of approval, requiring mitigation for significant impacts from the potential release of hazardous materials from stained concrete/asphalt into the environment. To reduce potential impacts, prior to issuance of a grading permit, any stained concrete/asphalt shall be removed and disposed of offsite at an appropriate permitted facility. Once removed, exposed soils shall be visually observed to confirm the presence/absence of staining (an indication of contamination migration into the subsurface). If observed, stained soils shall be segregated and tested to identify appropriate remedial activities if necessary which shall then be implemented.

#### *Above Ground Storage Tanks*

**Mitigation Measure HM-9:** The mitigation measure specified in the FEIR has been imposed upon the project as a condition of approval, requiring mitigation for significant impacts from the potential release of hazardous materials from above

ground storage tanks (ASTs) into the environment. To reduce potential impacts, prior to issuance of a grading permit, onsite ASTs shall be removed and properly disposed of offsite at an approved landfill facility. Once the ASTs are removed, a visual inspection of the areas beneath and around the removed ASTs shall be performed. Stained soils observed underneath the ASTs shall be sampled. Results of the sampling (if necessary) would indicate the level of remediation efforts that shall be required.

#### *Unidentified Soil/Gravel Piles*

**Mitigation Measure HM-10:** The mitigation measure specified in the FEIR has been imposed upon the project as a condition of approval, requiring mitigation for significant impacts from the potential release of hazardous materials from unidentified soil/gravel piles into the environment. To reduce potential impacts, prior to issuance of a grading permit, onsite soil/gravel piles shall be removed from each individual property and properly disposed of. Due to the unknown origin of the soil/gravel piles, the piles shall be sampled and tested for hazardous materials. Once removed, a visual inspection of the areas beneath the removed materials shall be performed. Any stained soils observed underneath the removed materials shall be sampled. Results of the sampling (if necessary) would indicate the level of remediation efforts that shall be required.

#### *High Pressure Gas Line*

**Mitigation Measure HM-11:** The mitigation measure specified in the FEIR has been imposed upon the project as a condition of approval, requiring mitigation for significant impacts from the potential release of hazardous materials from high-pressure gas lines into the environment. To reduce potential impacts, prior to any excavation within the Ponto Area, the exact location of the high-pressure gas line shall be defined prior to the commencement of construction. Any activities occurring within the gas line easement shall be conducted pursuant to applicable guidelines and regulations.

#### *Storage Units*

**Mitigation Measure HM-12:** The mitigation measure specified in the FEIR has been imposed upon the project as a condition of approval, requiring mitigation for significant impacts from the potential release of hazardous materials from storage units into the environment. To reduce potential impacts, prior to demolition, the interior of the onsite storage units shall be visually inspected prior to removal. The storage units shall be removed and properly disposed of offsite at an approved landfill facility. Once removed, a visual inspection of the areas beneath the removed materials shall be performed. Any stained soils observed underneath the removed materials shall be sampled. Results of the sampling (if necessary) would indicate the level of remediation efforts that shall be required.

#### *Concrete Foundation*

**Mitigation Measure HM-13:** The mitigation measure specified in the FEIR has been imposed upon the project as a condition of approval, requiring mitigation

for significant impacts from the potential release of hazardous materials from concrete foundations into the environment. To reduce potential impacts, prior to issuance of a grading permit, the affected owner shall remove the existing concrete foundation in the northern portion of the development area and properly dispose of it at an approved offsite landfill facility. Once removed, a visual inspection of the areas beneath the removed materials shall be performed. Any stained soils observed underneath the removed materials shall be sampled. Results of the sampling (if necessary) would indicate the level of remediation efforts that shall be required.

#### *Soil Sampling*

**Mitigation Measure HM-14a:** The mitigation measure specified in the FEIR has been imposed upon the project as a condition of approval, requiring mitigation for significant impacts from the potential release of hazardous materials from contaminated soils into the environment. To reduce potential impacts, prior to the issuance of a grading permit, where surficial staining associated with the automobile and storage areas is visible, soils shall be excavated to determine the exact vertical extent of the contamination (if any). If during soil removal, evidence of petroleum products appears to continue below the ground surface, sampling shall be performed to characterize the extent of contamination and identify appropriate remedial measures that shall be implemented.

**Mitigation Measure HM-14b:** The mitigation measure specified in the FEIR has been imposed upon the project as a condition of approval, requiring mitigation for significant impacts from the potential release of hazardous materials from contaminated soils into the environment. To reduce potential impacts, if directed by the City, prior to issuance of a grading permit, individual landowners shall contract with a certified Phase II/III specialist to conduct soil sampling to identify any pesticide residues in the soil related to historic agricultural uses onsite. The sampling will determine if pesticide concentrations exceed established regulatory requirements and will identify proper handling procedures that shall be required.

**Mitigation Measure HM-14c:** The mitigation measure specified in the FEIR has been imposed upon the project as a condition of approval, requiring mitigation for significant impacts from the potential for release of hazardous materials from contaminated soils into the environment. To reduce potential impacts, prior to issuance of a grading permit, construction in which the soil around the historic railway alignment shall be conducted under the purview of the local regulatory agency to identify presence of gasoline, diesel, and/or creosote within the soils and to identify proper handling procedures. A visual inspection of the areas beneath and around the removed area shall be performed. Any stained soils observed underneath the adjacent area shall be sampled. Results of the sampling (if necessary) would indicate the level of remediation efforts that shall be required.

### *Construction Activities*

**Mitigation Measure HM-15:** The mitigation measure specified in the FEIR has been imposed upon the project as a condition of approval, requiring mitigation for significant impacts from the potential release of hazardous materials from construction activities into the environment. To reduce potential impacts, if unknown wastes or suspect materials are discovered during construction on individual properties believed to involve hazardous waste/materials, the contractor shall: immediately stop work in the vicinity of the suspected contaminant, removing workers and the public from the area; notify the Project Engineer of the implementing Agency; secure the areas as directed by the Project Engineer; and, notify the implementing Agency's Hazardous Waste/Materials Coordinator.

Implementation of Mitigation Measures HM-4 through HM-15 would reduce impacts associated with the potential for the release of miscellaneous hazardous materials into the environment because, prior to the commencement of demolition or renovation activities, existing miscellaneous hazardous materials will be identified and proper remediation efforts will be implemented to ensure that hazardous materials are not released into the environment. Implementation of Mitigation Measures HM-4 through HM-15 will reduce Impact HM-4 to less than significant.

**FINDING:** Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Potential impacts from hazardous materials will be less than significant as a result of implementation of Mitigation Measures HM-1 through HM-15.

## **(5) Noise**

### **Long-Term (Mobile) Impacts**

#### ***Onsite Vehicular Noise***

**Impact N-3:** With implementation of the project, Impact N-3 may result in significant impacts onsite from vehicular noise from Carlsbad Boulevard due to noise levels ranging from 69.3 dBA CNEL to 68.9 dBA CNEL (Year 2030), and from Avenida Encinas due to noise levels ranging from 59.6 dBA CNEL to 63.2 dBA CNEL, thereby exceeding the exterior 60 dBA CNEL and interior 45 dBA CNEL noise levels, respectively, as indicated in the *Noise Guidelines Manual*. Impacts to existing adjacent sensitive land uses (residential) may also result from noise from vehicles traveling onsite along Ponto Road.

**Mitigation Measure N-3a:** The mitigation measure specified in the FEIR has been imposed upon the project as a condition of approval, requiring mitigation for significant impacts from vehicular noise. To reduce potential impacts, prior to final discretionary development approval, property owners within the Ponto Area shall prepare a site-specific noise analysis to the satisfaction of the City Director of Planning, which demonstrates that mobile noise sources would not exceed



maximum interior noise level criteria established for residential uses in the City General Plan, and that maximum exterior noise levels have been mitigated to the maximum extent feasible. The acoustical reports shall also be prepared pursuant to the City of Carlsbad *Noise Guidelines Manual*. The analysis shall verify that residences are adequately shielded and/or located at an adequate distance from mobile noise sources in order to comply with the City's noise standards. Individual developments shall, to the extent feasible, implement site-planning techniques such as: increasing the distance between the noise source and the receiver; using non-noise sensitive structures such as garages to shield noise-sensitive areas; orienting buildings to shield outdoor spaces from a noise source; orienting non-noise generating uses toward existing adjacent residential uses; routing commercial truck away from more noise-sensitive uses within the Ponto Area; individual developments shall incorporate architectural design strategies, which reduce the exposure of noise-sensitive spaces to stationary noise sources (i.e., placing bedrooms or balconies on the side of the house facing away from noise sources). These design strategies shall be implemented based on recommendations of acoustical analysis for individual developments as required by the City to comply with City noise standards; individual developments shall incorporate noise barriers, walls, or other sound attenuation techniques, based on recommendations of acoustical analysis for individual developments as required by the City to comply with City noise standards; and, elements of building construction (i.e., walls, roof, ceiling, windows, and other penetrations) shall be modified as necessary to provide sound attenuation. This may include sealing windows, installing thicker or double-glazed windows, locating doors on the opposite side of a building from the noise source, or installing solid-core doors equipped with appropriate acoustical gaskets.

**Mitigation Measure N-3b:** The mitigation measure specified in the FEIR has been imposed upon the project as a condition of approval, requiring mitigation for significant impacts from onsite vehicular noise. To reduce potential impacts, Through Site Plan review, and to the satisfaction of the City Planning Director, the location of driveways and service entrances associated with hotel uses within the Commercial Tourist (CT) zone shall be restricted to locations where such access points are not directly across from existing residential uses.

Implementation of Mitigation Measures N-3a and N-3b would reduce significant impacts from vehicular noise because building permits would not be issued unless it is demonstrated that the allowable sound level limits of the City of Carlsbad are not exceeded, and measures would be implemented through development plan review to distance commercial driveways from existing residential uses. Implementation of Mitigation Measures N-3a and N-3b will reduce Impact N-3 to less than significant.

## **Long-Term (Stationary) Noise Impacts**

### ***Overall Stationary Noise***

**Impact N-4:** With implementation of the project, Impact N-4 may result in significant impacts to sensitive receptors (residential neighborhoods) from overall stationary noise exceeding the City's 60 dBA exterior and 40 dBA interior noise standards.

**Mitigation Measure N-4a:** The mitigation measure specified in the FEIR has been imposed upon the project as a condition of approval, requiring mitigation of significant impacts from overall stationary noise. To reduce potential impacts, electrical and mechanical equipment (i.e., ventilation and air conditioning units) shall be located away from sensitive receptor areas. Additionally, the following considerations should be given prior to installation: proper selection and sizing of equipment, installation of equipment with proper acoustical shielding, and incorporation of the use of parapets into building design. Prior to final discretionary development approval, property owners within the Ponto Area shall prepare a subsequent site-specific noise analysis to the satisfaction of the City Planning Director, which demonstrates that noise from electrical and mechanical equipment would not exceed maximum interior noise level criteria established for residential uses in the City General Plan and that maximum exterior noise levels have been mitigated to the maximum extent feasible.

**Mitigation Measure N-4b:** The mitigation measure specified in the FEIR has been imposed upon the project as a condition of approval, requiring mitigation of significant impacts from overall stationary noise. To reduce potential impacts, a bermed/landscaped buffer shall be provided adjacent to the property boundary between residential uses and commercial uses within areas zoned as Commercial-Tourist (CT) to distance future commercial land uses from existing and future adjacent residential uses. Consistent with the City's *Standard Conditions of Approval*, the applicant shall submit, to the satisfaction of the City Planning Director, a Landscape Plan illustrating the buffer and the landscaping proposed. The Landscape Plan shall be consistent with the City's Landscape Design Manual.

Implementation of Mitigation Measures N-4a and N-4b would reduce significant impacts from overall stationary noise because mitigation would require that design measures be implemented that give consideration for the selection and sizing of equipment and incorporation of the use of parapets into building design. In addition, a landscaped/bermed buffer would be required in the CT zone to reduce potential noise impacts on adjacent residential uses. Implementation of Mitigation Measures N-4a and N-4b will reduce Impact N-4 to less than significant.

**FINDING:** Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final

EIR. Potential impacts from noise will be reduced to less than significant as a result of implementation of Mitigation Measures N-1 through N-4.

**(6) Traffic and Circulation**

**Direct Impacts**

***Existing Plus Vision Plan Intersection Level of Service***

***La Costa Avenue/Vulcan Avenue Intersection***

**Impact T-1:** With implementation of the project, there would be a significant impact to the La Costa Avenue/Vulcan Avenue intersection because the traffic volumes associated with the Vision Plan would cause the LOS of the intersection to change from an acceptable/marginal LOS to a deficient (failing) LOS.

**Mitigation Measure T-1:** The mitigation measure specified in the FEIR has been imposed upon the project as a condition of approval, requiring mitigation for significant impacts on the La Costa Avenue/Vulcan Avenue intersection. To reduce potential impacts to this intersection, the following improvements shall be implemented: Install traffic signal with La Costa widening to facilitate intersection improvements. Prior to the issuance of a building permit, developers within the Ponto Area shall pay a pro-rata fair share contribution to the La Costa Avenue/Vulcan Avenue improvement. The pro-rata fair share contribution shall be paid to the City of Carlsbad City Engineer prior to the issuance of building permits. The pro-rata fair share contribution may be adjusted by the City of Carlsbad to reflect any changes in estimated construction and land costs (as described in Appendix G-2). The City of Carlsbad will retain the Ponto developers' allocated pro-rata fair share contribution until the City of Encinitas is required to collect said contributions. Developers with existing ADT credits within their Ponto property will be given offsets against their projected ADT's.

This intersection is located within the jurisdiction of the City of Encinitas and the improvements to this intersection are already required mitigation as part of the City of Encinitas adopted North 101 Corridor Specific Plan and have been included in the City of Encinitas Capital Improvement Program (CIP). Future developers within the Ponto Beachfront Village shall be required to make a proportionate fair share contribution towards the improvements listed in Mitigation Measure T-1. Based on cost estimates from the City of Carlsbad, the proposed road improvements associated with improving La Costa Avenue from Highway 101 through Vulcan Avenue, including the La Costa Avenue/Highway 101 and La Costa Avenue/Vulcan Avenue intersections, would cost approximately \$5,335,000. This dollar amount is an estimate based on current information. Annual adjustments shall be made as described in Appendix G-2. Calculations for the cost estimate are provided in Appendix G-2 of the FEIR. As shown in Figures 5.6-8 and 5.6-9 of the FEIR, the project would contribute 5,003 ADT to this intersection. Based on 2030 traffic volumes of 18,300 ADT, the future development within the Vision Plan area shall contribute 27 percent ( $5,003 \text{ ADT} / 18,300 \text{ ADT} = 27\%$ ) of the total cost, or \$1,440,450 ( $\$5,335,000 \times$

0.27=\$1,440,450). This amount would be divided up among the future developments within the Ponto Beachfront Village Vision Plan area based on the traffic they contribute to the intersection.

Implementation of Mitigation Measure T-1 will reduce potential impacts on the La Costa Avenue/Vulcan Avenue intersection by reducing the anticipated delay at the impacted intersections. Pro-rata fair share contributions from the proposed project will be made to the City of Encinitas for roadway improvements on La Costa Avenue from North Coast Highway through Vulcan Avenue. The money will be applied towards roadway improvements that will fix existing deficiencies at the intersections that cannot be connected until La Costa Avenue is widened. Implementation of the mitigation measure would ensure that the LOS associated with the intersection would meet the LOS criteria established by the regional requirements set by SANTEC/ITE. Implementation of this mitigation measure will reduce Impact T-1 to less than significant. This mitigation is appropriate because it is consistent with existing mitigation measures adopted by the City of Encinitas to improve the level of service at these intersections.

***Horizon Year (2030) Intersection Level of Service***

***La Costa Avenue/North Coast Highway 101 Intersection and La Costa Avenue/Vulcan Avenue***

**Impact T-2:** With implementation of the project, there would be a significant impact on the La Costa Avenue/North Coast Highway 101 and the La Costa Avenue/Vulcan Avenue intersections because the traffic generated by the Vision Plan would result in a change in delay of more than 2.0 seconds when compared to the 2030 Without the Vision Plan at these intersections.

**Mitigation Measure T-2:** The mitigation measure specified in the FEIR has been imposed upon the project as a condition of approval, requiring mitigation for significant impacts on the La Costa Avenue/North Coast Highway 101 and La Costa Avenue/Vulcan Avenue intersections. To reduce potential impacts, this intersection shall be mitigated by implementation of the following improvements: Widen north leg to include two left turn lanes and two through lanes and widen east leg to include two left turn lanes and one right turn lane. Prior to the issuance of a building permit, developers within the Ponto Area shall pay a pro-rata fair share contribution to the La Costa Avenue/North Coast Highway 101 improvement:

The pro-rata fair share contribution shall be paid to the City of Carlsbad City Engineer prior to the issuance of building permits. The pro-rata fair share contribution may be adjusted by the City of Carlsbad to reflect any changes in estimated construction and land costs (as described in Appendix G-2). The City of Carlsbad will retain the Ponto developers' allocated pro-rata fair share contribution until the City of Encinitas is required to collect said contributions. Developers with existing ADT credits within their Ponto property will be given offsets against their projected ADT's. This intersection is located within the jurisdiction of the City of Encinitas. The improvements to this intersection are

already required as mitigation as part of the City of Encinitas adopted North 101 Corridor Specific Plan, and other development projects located within the City of Encinitas and are included in the City of Encinitas CIP. Future developers within the Ponto Beachfront Village shall be required to make a proportionate fair share contribution to the City of Encinitas towards the improvements listed in Mitigation Measure T-2.

Based on cost estimates from the City of Carlsbad, the proposed road improvements associated with improving the La Costa Avenue from Highway 101 through Vulcan Avenue, including the La Costa Avenue/Highway 101 and La Costa Avenue/Vulcan Avenue intersections, would cost approximately \$5,335,000. This dollar amount is an estimate only based on current information. Annual adjustments shall be made as described in Appendix G-2. Calculations for the cost estimate are provided in Appendix G-2. As shown in Figures 5.6-8 and 5.6-9 the project would contribute 5,003 ADT to this intersection. Based on 2030 traffic volumes of 18,300 ADT, the future development within the Vision Plan area shall contribute 27 percent ( $5,003 \text{ ADT} / 18,300 \text{ ADT} = 27\%$ ) of the total cost, or \$1,440,450 ( $\$5,335,000 \times 0.27 = \$1,440,450$ ). This amount would be divided up among the future developments within the Ponto Beachfront Village Vision Plan area through a fair share contribution based on the traffic they contribute to the intersection.

Implementation Mitigation Measure T-2 would reduce potential impacts on the La Costa Avenue/ North Coast Highway 101 and the La Costa Avenue/Vulcan Avenue intersections by reducing the anticipated delay at the impacted intersection. Pro-rata fair share contributions from the proposed project will be made to the City of Encinitas for roadway improvements on La Costa Avenue from North Coast Highway through Vulcan Avenue. The money will be applied towards roadway improvements that will fix existing deficiencies at the intersections that cannot be connected until La Costa Avenue is widened. Implementation of the mitigation measure would ensure that the LOS associated with these intersections would meet the LOS criteria established by the regional requirements set by SANTEC/ITE. Implementation of this mitigation measure will reduce Impact T-2 to less than significant. This mitigation is appropriate because it is consistent with existing mitigation measures adopted by the City of Encinitas to improve the level of service at these intersections.

### ***Roadway Segments***

**Impact T-3:** With implementation of the project, there would be a significant impact on the segment of La Costa Avenue between Vulcan Avenue and Interstate 5, under 2030 traffic volumes because the traffic generated by the Vision Plan would result in a change in volume to capacity ratio (V/C) that would exceed the LOS threshold of 0.02, and is therefore considered significant. The segment is forecasted to operate at LOS F in the westbound direction, under the With and the Without Vision Plan scenarios.

**Mitigation Measure T-3:** The mitigation measure specified in the FEIR has been imposed upon the project as a condition of approval, requiring mitigation for

significant impacts to the segment of La Costa Avenue between Vulcan Avenue and Interstate 5, under 2030 traffic volumes. To reduce potential impacts to less than significant, implementation of Mitigation Measures T-1 and T-2 are required.

Implementation Mitigation Measure T-3 would reduce potential impacts on the segment of La Costa Avenue between Vulcan Avenue and Interstate 5 by widening one lane in the westbound direction, in coordination with planned intersection improvements at Vulcan Avenue and La Costa Avenue, to reduce the V/C ratio to an acceptable operating condition, based on City of Carlsbad thresholds. Implementation of this mitigation measure will reduce Impact T-3 to less than significant.

## **Cumulative Impacts**

### ***Intersections***

**Impacts T-1 and T-2:** With implementation of the project, there would be a significant impact on the La Costa Avenue/Vulcan Avenue intersection because the traffic volumes associated with the Vision Plan would cause the LOS of the intersection to change from an acceptable/marginal LOS to a deficient (failing) LOS, and a significant impact on the intersection of La Costa Avenue/North Coast Highway 101 and the La Costa Avenue/Vulcan Avenue intersection because the traffic generated by the Vision Plan would result in a change in delay of more than 2.0 seconds when compared to the 2030 Without the Vision Plan analysis.

**Mitigation Measures T-1 and T-2:** The mitigation measures specified in the FEIR have been imposed upon the project as a condition of approval, requiring mitigation for significant impacts to the intersections of La Costa Avenue/North Coast Highway 101 and La Costa Avenue/Vulcan Avenue. To reduce potential impacts to less than significant, prior to issuance of a building permit, evidence shall be required to ensure that Mitigation Measures T-1 through T-2 (refer to Section 5.6.4 of the FEIR) would be implemented (as applicable) at the discretion of the City of Carlsbad City Engineer, to mitigate a project's contribution to potential traffic impacts.

Implementation of Mitigation Measures T-1 and T-2 would mitigate the Vision Plan's contribution to cumulative intersection and roadway impacts that would occur under the year 2010 analysis by providing physical improvements to the intersections of La Costa Avenue/North Coast Highway 101 and La Costa Avenue/Vulcan Avenue to reduce the anticipated delays and improve the LOS to meet LOS criteria established by the regional requirements set by SANTEC/ITE. Pro-rata fair share contributions from the proposed project will be made to the City of Encinitas for roadway improvements on La Costa Avenue from North Coast Highway through Vulcan Avenue. The money will be applied towards roadway improvements that will fix existing deficiencies at the intersections that cannot be connected until La Costa Avenue is widened. Implementation of these mitigation measures will reduce the project's contribution to cumulative intersection impacts under the Year 2010 analysis to less than cumulatively

considerable. This mitigation is appropriate because it is consistent with existing mitigation measures adopted by the City of Encinitas to improve the level of service at these intersections.

**FINDING:** Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Potential impacts relative to traffic will be less than significant with implementation of Mitigation Measures T-1 through T-3.

**PONTO BEACHFRONT VILLAGE VISION PLAN EIR**  
**EIR 05-05/GPA 05-04/LCPA 05-01/DI 05-01**  
**SCH NO. 2007031141**

**FINDINGS RELATING TO IMPACTS NOT MITIGATED TO  
LESS THAN SIGNIFICANT**

**August 2007**

The FEIR identifies three impacts on the environment (i.e., 1) short-term (construction) impacts to air quality, 2) long-term (operational) impacts to air quality, and 3) short-term (construction) noise impacts) which will have significant environmental effects, even after the application of all feasible mitigation measures identified in the FEIR. In accordance with CEQA Guidelines Section 15092(b)(2), the City of Carlsbad City Council shall not approve the project unless it first finds under CEQA Section 21081(a) and CEQA Guidelines Section 15091(a) that specific economic, legal, social, technological, or other considerations, including the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures of project alternatives identified in the FEIR, and also finds under CEQA Guidelines 15092(b)(2)(B) that the remaining significant effects are acceptable due to overriding considerations as described in CEQA Section 15093.

The City Council, therefore, makes the following findings:

**(1) Short-Term (Construction) Impacts to Air Quality**

**Impacts AQ-1, AQ-2 and AQ-3 (Air Quality Impacts from Fugitive Dust):** To partially mitigate for the project's significant short-term direct impacts to air quality, the mitigation measures specified in the FEIR have been imposed upon the project as conditions of approval, requiring the project applicant to mitigate for significant short-term direct impacts from fugitive dust as a result of clearing, grading, and earth moving operations, trucks hauling material on and offsite, and construction equipment onsite. **Mitigation Measure AQ-1** shall require that during clearing, grading, earth-moving, or excavation operations, excessive fugitive dust emissions shall be controlled by regular watering and other dust preventive measures. **Mitigation Measure AQ-2** shall require that all trucks hauling excavated or graded material onsite shall comply with State Vehicle Code Section 23114, with special attention to Sections 23114(b)(F), (e)(2) and (e)(4), as amended, regarding the prevention of such material spilling onto public streets. **Mitigation Measure AQ-3** shall require that during construction activities, excessive construction equipment and vehicle exhaust emissions shall be controlled through efficient maintenance and use of construction equipment.

Implementation of the Vision Plan would include considerable construction activities, which could potentially result in periodic exceedances of SDAPCD standards. The existing regional air quality surrounding the proposed project site exceeds SDAPCD standards and is classified at a non-attainment status. As such, with or without



implementation of the proposed project, impacts to air quality will continue to occur. Furthermore, air quality impacts to this basin are a result of a cumulative effect from a variety of activities occurring throughout the San Diego Air Basin. As such, a requirement for the proposed project to mitigate for existing air quality impacts in the San Diego Air Basin is infeasible due to the size of the air basin which covers most of San Diego County. Lastly, as the Vision Plan establishes guidelines for the development anticipated to occur within the Ponto Area, but does not provide final development plans, it is not possible to quantify potential future impacts associated with fugitive dust. Therefore, based on the size of the Ponto Area, it is anticipated that impacts regarding fugitive dust from future construction activities would be significant and unavoidable. Additionally, the timing or phasing of the development with the Ponto area is unknown.

(2) **Long-Term (Operational) Impacts to Air Quality**

**Impact AQ-6 (Operational Emissions):** To partially mitigate for the project's significant direct impacts to air quality, the mitigation measures specified in the FEIR have been imposed upon the project as conditions of approval, requiring the project applicant to mitigate for significant direct impacts on long-term (construction) air quality resulting from operational emissions. **Mitigation Measure AQ-6** provides programmatic measures the City of Carlsbad can recommend to future developers to reduce air quality impacts from operational emissions. Mitigation Measure AQ-6 will require, prior to approval of site development plans for future development within the Ponto Area, the City shall ensure that all of the operational mitigation measures identified below are identified and included as part of the project development plans, as applicable. These measures shall be implemented by the project applicant of each individual project, when development plans are proposed, and shall be verified by the City of Carlsbad Planning Department and are discussed below.

The City shall recommend that the proposed surrounding commercial facilities which incorporate gas stations utilize pumps dispensing oxygenated gasoline (especially during winter months, typically taken as November through February inclusive) in an effort to reduce overall CO emissions within the air basin due to traffic traveling to and from the project site. In addition, the City shall recommend that workers at surrounding commercial facilities participate in ride-share programs and seek alternate forms of transportation to the site.

Future onsite commercial land uses shall implement design measures that promote the use of alternative modes of transportation, such as: mixed-use development (combine residential, retail, employment, and commercial). Sidewalks; safe street and parking lot crossings; showers and locker rooms; sheltered transit stops; theft-proof well-lighted bicycle storage facilities with convenient access to building entrance; carpools and vanpools; onsite services to reduce need for offsite travel such as: childcare; telecommute center; retail stores; postal machines; and automatic teller machines; commercial and retail businesses should be encouraged to schedule operations during off-peak travel times; adjust business hours; and allow alternative work schedules, telecommuting; provide preferential parking for carpool/vanpool vehicles; construct transit facilities such as bus turnouts/bus bulbs, benches, shelters, etc.; provide direct,

safe, attractive pedestrian access from project to transit stops and adjacent development; increase wall and attic insulation beyond Title 24 requirements; plant shade trees in surface parking lots to reduce evaporative emissions from parked vehicles; use lighting controls and energy-efficient interior lighting, and built-in energy efficient appliances; use double-paned windows; and use energy-efficient low sodium parking lot and streetlights.

It is anticipated that by the Year 2030 Project Operational Emissions, regional level PM<sub>10</sub> and ROG emissions would exceed the SDAPCD thresholds of significance. As such, with or without implementation of the proposed project, and with or without implementation of these mitigation measures, any additional pollutants emissions would result in impacts to air quality. Furthermore, the existing air quality of this basin is a result of a cumulative effect from a variety of activities occurring throughout the San Diego Air Basin. As such, a requirement for the proposed project to mitigate for existing and future air quality impacts in the San Diego Air Basin is infeasible, due to the size of the air basin which covers most of San Diego County. Lastly, the Vision Plan establishes guidelines for the development anticipated to occur within the Ponto Area, but does not provide final development plans; it is not possible to quantify potential future impacts associated with fugitive dust. Therefore, based on the size of the Ponto Area, it is anticipated that impacts to air quality would be significant and unavoidable.

Implementation of **Mitigation Measures AQ-1 through AQ-3, and AQ-6** would reduce significant impacts associated with Impacts AQ-1 through AQ-3, and AQ-6. These mitigation measures would reduce air quality impacts where practicable; however, these mitigation measures would not completely mitigate the project's significant direct impacts to air quality associated with the development of the project.

**(3) Short-Term (Construction) Noise Impacts**

**Impacts N-1/N-2 (Construction Noise)** To partially mitigate for the project's significant direct impacts from construction noise, the mitigation measures specified in the FEIR have been imposed upon the project as conditions of approval, requiring the project applicant to mitigate for significant noise impacts resulting from project construction.

Mitigation Measure N-1 would require, for all projects within 1,000 feet within residential neighborhoods, prior to Grading Permit issuance, future developments shall demonstrate to the City of Carlsbad that the project complies with the following:

All construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers; construction noise reduction methods such as shutting off idling equipment, installing temporary acoustic barriers around stationary construction noise sources, maximizing the distance between construction equipment staging areas and occupied residential areas, and use of electric air compressors and similar power tools, rather than diesel equipment, shall be used where feasible; during construction, stationary construction equipment shall be placed such that emitted

noise is directed away from sensitive noise receivers; during construction, stockpiling and vehicle staging areas shall be located as far as practical from noise sensitive receptors; operate earthmoving equipment on the construction site, as far away from vibration sensitive sites as possible; and, construction hours, allowable workdays and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow for surrounding owners and residents to contact the job superintendent. If the job superintendent receives a complaint, appropriate corrective actions shall be implemented and a report of the action taken to the reporting party.

Mitigation measure N-2 would require construction activities to be limited to 7:00 a.m. to sunset Monday through Friday, and 8:00 a.m. to sunset on Saturdays with no work permitted on Sunday's and legal holidays. Construction activities generally have a short and temporary duration, lasting from a few days to a period of several months. As properties within the Ponto Area are all privately owned, development of the area will take place incrementally as individual property owners choose to undertake development or redevelopment activities. Therefore, a scheduled construction-phasing plan has not been established for the project.

In order to estimate the "worst case" construction noise levels, the combined construction equipment noise levels have been calculated for the grading/excavation phases. Although it is not anticipated that the "worst-case" scenario will occur, if it did, despite implementation of Mitigation Measures N-1 and N-2, short-term construction activities are anticipated to result in noise levels above 85 dBA. Therefore, per the City's standards, a significant temporary noise impact could potentially occur during future construction activities. Short-term noise impacts resulting from project construction would be temporary and cease upon construction completion. Although Mitigation Measures N-1 and N-2 are proposed to reduce noise levels resulting from construction activities, mitigation would not reduce such noise impacts to less than significant. Therefore, this impact would be significant and unavoidable.

Implementation of **Mitigation Measures N-1 and N-2** would reduce significant impacts associated with Impact N-1 and N-2. This mitigation measures would ensure construction impacts were reduced; however, this mitigation measures would not completely mitigate the project's significant impacts resulting from construction noise associated with the development of the project.

## **INFEASIBILITY OF PROJECT ALTERNATIVES AND RATIONALE RELATING TO THE FINDINGS**

The project objectives for the Ponto Beachfront Village Vision Plan identified in the FEIR and considered by the City Council are described in Section 1.2 of the FEIR which states:

The objectives of the project applicant are to develop a project that:

- a. Provide options for land use;
- b. Increase flexibility for property owners to respond to market conditions;
- c. Increase opportunities and individual decision-making for small lot property owners;

- d. Continue to consider environmental factors and conditions; and,
- e. Create a neighborhood and amenities that contribute to the surrounding area and City as a whole.

The following is the rationale for finding that the project alternatives in the FEIR are infeasible in accordance with CEQA Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3). "Feasible" means capable of being accomplished in a successful manner within a reasonable time, taking economics, legal, social, and technological factors into account (CEQA Guidelines Section 15363)

A full discussion of the project alternatives identified in the FEIR is discussed in Section 6 of the FEIR commencing on page 6-1.

Based on the objectives of the project as described, the City Council considered the following Project Alternatives:

- A. No Development Alternative (FEIR Section 6.2, pages 6-3 through 6-6):** The No Development Alternative assumes that the project site would not be developed with the proposed project. The project site would remain in its present condition and would continue to support the existing single-family residential and small-scale commercial and light-industrial uses. No onsite or offsite roadway improvements, including Carlsbad Boulevard, would occur with this alternative. Although this alternative is similar to the Open Space Alternative, preservation of the undeveloped portions of the Ponto Area would not be guaranteed for the long-term through zoning or dedication of an open space easement.

The No Development Alternative would reduce or avoid all of the impacts associated with the proposed project, with the exception of hydrology and water quality, as BMPs to control drainage from the site would not be implemented. Therefore, the No Development Alternative is considered to be the Environmentally Superior Alternative.

Although most impacts of this alternative would be less than those of the proposed project, and this alternative is the Environmentally Superior Alternative, it fails to meet any of the project objectives, such as establishing the Southern Coastal Gateway to the City or providing a balanced and cohesive mix of local and tourist-serving commercial, medium- and high-density residential, mixed use, live/work, and open space land use opportunities that would be economically viable. In addition, this alternative would not establish a pattern of pedestrian and bicycle accessibility that would link with adjacent existing and planned pedestrian and bicycle facilities, or establish a mixed-use district that encourages local and tourist-oriented retail, commercial, recreational and residential uses.

For these reasons, The No Development Alternative was rejected from further consideration.

- B. No Project Alternative (FEIR Section 6.3, pages 6-6 through 6-10):** The No Project Alternative would develop the project site as allowed under the current land use and zoning designations without special permitting. The proposed project would allow the same uses as those allowed under the existing General Plan designations, as well as the underlying Specific Plans (Poinsettia Properties Specific Plan and the Poinsettia Shores Master Plan), uses developed under the No Project Alternative would be similar to that proposed with the Vision Plan; however, the Vision Plan envisions uses that would result in a decreased intensity than what would ultimately be allowed under the existing land use designations. The No Project Alternative would allow the property to be developed with travel/recreational commercial, medium-high density residential uses, or as open space or parks.

In the southern portion of the site, the existing General Plan designation would allow for travel and recreational commercial uses, such as hotels, restaurants, and commercial retail, to enhance the tourism and recreational opportunities in the City. In the northern portion of the site, residential housing could be provided at a density of 8-15 dwelling units per acre, or in combination with travel and recreational commercial uses. Areas that are currently designated as "Unplanned" may require further planning to determine appropriate uses.

Similar to the proposed project, this alternative would ultimately contribute to offsite road improvements, as applicable, to mitigate for potential traffic impacts caused by vehicular trips generated by onsite uses. This alternative would also propose onsite trails and linkage to the regional trail system for recreational use. In addition, improvements would be made, consistent with the Zone 9 and 22 LFMPs, to provide public water and sewer service to the site. Development onsite would be consistent with the Scenic Corridor Guidelines and would contribute to improvements along Carlsbad Boulevard, but would not result in an overall themed design approach that would establish and enhance a major entryway into the City of Carlsbad.

Like the proposed project, this alternative would be consistent with all land use plans and zoning, and would reflect the type of development originally intended for the site under the General Plan. However, with the No Project Alternative, impacts to traffic and circulation, noise, utilities and public service systems, as well as air quality, would be greater than the proposed project, due to the potential increase in the number of proposed residential units or square footage of development.

This alternative would meet the objective of conforming with the General Plan, Amended Zone 9 and 22 Local Facilities Management Plans (LFMP), applicable City ordinances, regulations and policies. This alternative would also meet the objective of establishing a mixed-use district that encourages local and tourist-oriented retail, commercial, recreational and residential uses, as such uses would be allowed under the existing land use and zoning designations. This alternative would also be required to assure that public facilities and services meet the requirements of the Growth Management Plan.

However, as the Vision Plan would not be implemented with this alternative, this alternative would not achieve the project objectives of establishing the Southern

Coastal Gateway to the City or providing site design guidelines that require street scenes and site plans to respect pedestrian scale and express a cohesive and high-quality architectural theme. In addition, this alternative would not provide for expanded and enhanced beach access, or establish a mixed-use district that encourages local and tourist-oriented retail, commercial, recreational and residential uses. This alternative would also not achieve the objective of requiring landowners within the project development area to utilize landscape architecture that celebrates the historic past and horticultural heritage of the City, thereby reinforcing an overall theme. Expanded and enhanced beach access would also not be provided.

For these reasons, The No Project Alternative was rejected from further consideration.

- C. Increased Residential Use Alternative (FEIR Section 6.4, pages 6-10 through 6-13):** The Increased Residential Land Use Alternative assumes that the majority of the project site would be developed with townhomes, at a density of 19 du/acre. At this density, an estimated 352 townhomes could be constructed. In addition, the Resort Hotel and Hotel/Commercial uses would also be developed, similar to the proposed project. No Mixed-Use or Live-Work/Mixed-Use uses would be developed in the northern and southern portions of the Ponto Area, thereby reducing commercial retail or tourism-oriented commercial uses. This alternative is intended to emphasize the residential component, and therefore, would not result in improvements associated with the State Beach such as the pedestrian underpass that would allow visitors to travel between the Ponto Area and the recreational uses provided by the beach. In doing so, potential conflicts between the residents of the proposed residential uses and visitors to the State Beach would be reduced. In addition, this alternative would not include enhancements to create a Southern Coastal Gateway into the City at Carlsbad Boulevard and Batiquitos Lagoon, or gateways into the Ponto Area at Avenida Encinas, Beach Way, or Ponto Road, as much of the Ponto Area would support residential uses, and would not represent a cohesive themed development for the approximately 50 acre area proposed for development. The improvements would not be made as the main focus of the development would shifted away from attracting visitors to the area and more focus on the residential uses.

Like the proposed project, this alternative would be consistent with all land use plans and zoning, and would reflect the type of development originally intended for the site under the General Plan. However, with the Increased Residential Use Alternative, impacts to visual aesthetics and utilities and public service systems would be greater than the proposed project, as a greater number of residential units would be constructed, thereby increasing visual density as well as an increased demand for public utilities, such as water and sewer facilities.

This alternative was rejected because it fails to achieve the majority of the project objectives. As the majority of the project site would be developed with residential uses under this alternative, the objective of establishing a mixed-use district that encourages local and tourist-oriented retail, commercial, recreational and residential uses or accommodating a mix of local and tourist-serving commercial, medium-and high-density residential, mixed use, live/work, and open space land use opportunities

would not be achieved. This alternative would also not provide expanded and enhanced beach access, or provide site design guidelines that require street scenes and site plans to respect pedestrian scale and express a cohesive and high-quality architectural theme. In addition, this alternative would not establish the Southern Coastal Gateway to the City, as no improvements would be made to signify such an entry point.

For these reasons, the Increased Residential Use Alternative was rejected from further consideration.

- D. Increased Residential Use/Open Space Alternative (FEIR Section 6.5, pages 6-13 through 6-17):** The Increased Residential Use / Open Space Alternative would result in a large portion of the property being developed with townhomes at a density of 19 du/acre; refer to Figure 6-3. This would allow approximately 316 dwelling units. In addition, a Mixed-Use Center would be developed in the same location as with the proposed project, and would allow for a variety of commercial retail uses, restaurants, and specialty stores to support the residential and hotel and residential uses. The Hotel/Commercial use would be proposed in the northern portion of the property, although at a smaller scale than compared to that of the proposed project. In addition, this alternative proposes an open space/community park in the southern portion of the property, rather than the Beachfront Resort. The park would be open to the public and would offer opportunities for active and passive recreation, such as walking trails and picnic tables. Development of the Ponto Area would not occur under the Vision Plan with this alternative. This alternative would also result in the realignment of Carlsbad Boulevard and the construction of the pedestrian underpass.

This alternative would reduce impacts to traffic, noise and air quality, as well as impacts to biological resources as compared to the proposed project, due to the removal of the Resort hotel use and reduction of the Mixed-Use area. In addition, this alternative would achieve the project objectives of assuring that public facilities and services meet the requirements of the Growth Management Plan and that the project conforms with the General Plan, Amended Zone 9 and 22 Local Facilities Management Plans (LFMP), applicable City ordinances, regulations and policies. As Carlsbad Boulevard would be re-aligned, expanded and enhanced beach access would be provided.

However, as the Vision Plan would not guide development within the project area, this alternative would not achieve the goals of establishing the Southern Coastal Gateway to the City or providing site design guidelines that require street scenes and site plans to respect pedestrian scale and express a cohesive and high-quality architectural theme. This alternative would also conflict with the stated goals of the LCP to provide visitor-serving commercial uses in the coastal zone. In addition, this alternative would not provide landscape architecture that celebrates the historic past and horticultural heritage of the City, as no design guidelines would be proposed.

For these reasons, the Increased Residential use/Open Space Alternative was rejected from further consideration.

- E. Increased Townhomes / Single-Family Detached Alternative (FEIR Section 6.6, pages 6-17 through 6-20):** The Increased Townhomes / Single-Family Detached Alternative assumes that the project site would be largely developed with townhomes and single-family development at a density of 10 du/acre. This would allow for approximately 172 dwelling units within the northern portion of the site. In addition, the Hotel/Commercial uses at the northern end of the property would be developed. A Mixed-Use Center would be developed in the central portion of the site, just north of Avenida Encinas, similar to the proposed project, but at a smaller scale. The Resort Hotel Use would be developed in the southern portion of the site, also similar to the proposed project. This alternative assumes the re-alignment of Carlsbad Boulevard with development of a linear park along the west side of the roadway. Onsite road patterns would be the same as the proposed project. This alternative is intended to emphasize the residential component, and therefore, would not result in improvements associated with the State Beach, such as the pedestrian underpass, that would allow visitors to travel between the Ponto Area and the recreational uses provided by the beach. In doing so, potential conflicts between the residents of the proposed residential uses and visitors to the State Beach would be reduced.

The Increased Townhomes / Single-Family Detached Alternative would reduce potential significant impacts to traffic and circulation, as well as incrementally decrease air quality impacts, due to a decrease in the number of trips generated. Noise impacts would also be reduced, due to the reduction of commercial uses. The objectives of assuring that public facilities and services meet the requirements of the Growth Management Plan and conformance with the General Plan, Amended Zone 9 and 22 Local Facilities Management Plans (LFMP), applicable City ordinances, regulations and policies, would be achieved. As individual ownerships would be developed without an overall plan for guidance, this alternative would not establish a mixed-use district that encourages local and tourist-oriented retail, commercial, recreational and residential uses. This alternative would allow for the establishment of a mixed-use district that encourages local and tourist-oriented retail, commercial, and recreational land uses, but at a reduced scale as compared to the proposed project. Improvements to Carlsbad Boulevard would provide additional parking, thereby enhancing access to the State Beach.

This alternative does not meet the project objectives of establishing a Southern Coastal Gateway to the City, or of accommodating a balanced and cohesive mix of local and tourist-serving commercial, medium- and high-density residential, mixed use, live/work, and open space land use opportunities. This alternative would conflict with the stated goals of the LCP to provide visitor-serving commercial uses in the coastal zone. In addition, no cohesive architectural theme would be achieved for development of the site, as the site would not be developed under the Vision Plan and site guidelines would therefore not be proposed. Although this alternative does reduce some adverse impacts associated with the proposed project, it does not result in a substantial reduction in impacts that would make it preferable over another project alternative.

For these reasons, the Increased Townhomes/Single family Detached Alternative was rejected from further consideration.



- F. Increased Townhomes / Visitor Use Alternative (FEIR Section 6.7, pages 6-20 through 6-24):** The Increased Townhomes / Visitor Use Alternative assumes that the project site would be developed with a mixture of commercial retail and hotel uses, with additional residential dwelling units provided. In the southern portion of the site, the Resort Hotel use would be developed, similar to the proposed project. An increased number of townhomes would be developed at a density of 19 du/acre as compared to the proposed project, with such uses replacing the Mixed-Use Center. Approximately 281 dwelling units could be developed under this alternative. This alternative would allow for a mixture of commercial uses including retail shops and restaurants. In addition, the Hotel/Commercial use at the northern portion of the site would be developed at a reduced scale, with construction of a neighborhood park at the northernmost portion of the site to provide recreational opportunities and to buffer the hotel use from the adjacent residential neighborhoods. This alternative assumes the re-alignment of Carlsbad Boulevard with development of a linear park along the west side of the roadway. Onsite road patterns would be the same as the proposed project. No improvements to enhance the State Beach would be proposed with this alternative, as the Resort Hotel and Hotel/Commercial uses and the linear and neighborhood parks would instead provide opportunities for recreation.

The Increased Townhomes / Visitor Use Alternative would reduce potential significant impacts to traffic and circulation, as well as resultant noise and air quality impacts, as compared to the proposed project. This alternative would meet the objectives of assuring that the provision of public facilities and services would meet the requirements of the Growth Management Plan, prior to development. In addition, conformance with the General Plan, Amended Zone 9 and 22 Local Facilities Management Plans (LFMP), applicable City ordinances, regulations and policies would also be achieved with this alternative. Improvements to Carlsbad Boulevard would also allow for additional parking for the State Beach, providing improved access.

However, as no overall plan would be provided to guide development within the area without the Vision Plan, and individual ownerships would be developed as desired, a cohesive mix of local and tourist-serving commercial, medium- and high-density residential, mixed use, live/work, and open space land use opportunities would not be achieved. In addition, this alternative would not provide a cohesive architectural theme for development of the site, as the Vision Plan would not be implemented. Similarly, requirements for landscape architecture that would celebrate the historic past and horticultural heritage of the City would not be required without the Vision Plan. Although improvements would be made consistent with the Scenic Corridor Guidelines, this alternative does not specifically meet the project objective of establishing a Southern Coastal Gateway to the City. The removal of the mixed-use area would mean fewer services would be available for city residents or visitors from outside the Vision Plan area.

For these reasons, The Increased Townhomes/Visitor Use Alternative was rejected from further consideration.

**G. Increased Recreational Amenities/Green Space Alternative (FEIR Section 6.8, pages 6-24 through 6-27):** The Increased Recreational Amenities/Green Space Alternative assumes that the project site would be developed with the same mixture of uses as proposed with the Vision Plan; however, this alternative would decrease the size of the Resort Hotel facilities at the southern end of the Vision Plan area and provide an open area along the bluff that would be available for public recreational use; refer to Figure 6-6. In addition, the area would provide an added buffer between the hotel facilities and the Batiquitos Lagoon. The open area would complement the multi-use trail envisioned in the Vision Plan, and would be located within the setback of the development envelope for the Resort Hotel. The open area would be maintained by the property owner.

It is envisioned that the open area would be bermed to provide varied topography, and landscaped with trees for shade and grassy areas for passive or active recreation. Amenities such as benches or picnic tables for meeting or relaxing could be provided within the space and may offer views to the lagoon and the Pacific Ocean. Other amenities such as an open grassy area for weddings, or a gazebo for ceremonies or viewing opportunities, could also be provided. Signage could also be installed within the open area to identify vegetation or flower types, or perhaps animal or avian species that would typically occupy the lagoon, to provide an educational opportunity.

With the above-described exceptions, future development of the Ponto Area would occur as envisioned by the Vision Plan. This alternative assumes the re-alignment of Carlsbad Boulevard with development of a linear park along the west side of the roadway, and construction of a pedestrian underpass to the State Beach. Onsite road patterns would be the same as the proposed project. In addition, improvements to enhance Carlsbad Boulevard as the southern gateway into the City are also envisioned with this alternative.

As the Increased Recreational Amenities/Green Space Alternative is similar to development envisioned in the Vision Plan, it would meet both the project goals as well as the majority of goals established in the *South Carlsbad Coastal Redevelopment Area Redevelopment Plan*. This alternative would incrementally reduce potentially significant impacts to traffic and circulation, as well as resultant noise and air quality impacts, as compared to the proposed project. In addition, future development of the Ponto Area would be consistent with requirements of the General Plan, Amended Zone 9 and 22 Local Facilities Management Plans (LFMP), and applicable City ordinances, regulations and policies, and therefore, no conflicts relative to land use and planning would occur.

This alternative would also allow for improvements to Carlsbad Boulevard and establishment of a Southern Coastal Gateway to the City, as well as enhanced access to Carlsbad State Beach, similar to the proposed project. This alternative would also establish a mixed-use district that encourages local and tourist-oriented retail, commercial, recreational and residential uses, and would provide a cohesive architectural theme for future development of the Ponto Area. Similar to the proposed project, this alternative would meet the objectives of assuring that the provision of

public facilities and services would meet the requirements of the Growth Management Plan, prior to development. Requirements for landscape architecture that would celebrate the historic past and horticultural heritage of the City would also be achieved.

As discussed above, the Increased Recreational Amenities/Green Space Alternative would meet the project goals, as well as the goals of the SCCRA Redevelopment Plan.

For these reasons, the Increased Recreational Amenities/Green Space Alternative was not rejected from further consideration.

- G. Carlsbad Boulevard Re-Alignment Alternatives (FEIR Section 6.9, pages 6-27 through 6-32):** It should be noted that the Carlsbad Boulevard Re-Alignment Alternatives are not separate alternatives from the proposed project, but alternatives addressing one component of the proposed project. Adoption of the proposed project or project alternatives would also adopt one of the Carlsbad Boulevard Re-Alignment Alternatives.

#### **OVERRIDING CONSIDERATIONS WARRANTING PROJECT APPROVAL DESPITE REMAINING SIGNIFICANT IMPACTS TO TRAFFIC AND CIRCULATION**

CEQA Guidelines Sections 15093(a) and (b) state:

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."
- (b) When the decision of the public agency allows the occurrence of significant effects which are identified in the final EIR but not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record. This statement may be necessary if the agency also makes a finding under Section 15091(a)(2) or 15091(a)(3).

As identified above, this project has significant and not fully mitigated effects relating to air quality impacts associated with short-term construction impacts and long-term operation impacts, as well as short-term construction noise impacts. The mitigation measures and project alternatives identified in the FEIR are infeasible in accordance with CEQA Section 21081 and CEQA Guidelines Section 15091 to fully mitigate these impacts as detailed above.

However, the City Council has weighed the benefits of the proposed Ponto Beachfront Village Vision Plan against the identified unavoidable environmental risks and impacts in

determining whether to approve the project. The City Council finds that the project will provide specific economic, social, and public safety benefits which outweigh the unavoidable environmental impacts of the project, such that those impacts are considered acceptable. With approval of the project, these benefits are:

#### **Finding of Economic Benefit**

Development pursuant to the Vision Plan would result in construction jobs for the region, which would help support the local economy. Proposed uses include residential and commercial uses, which would require a need for a variety of different construction trades.

Development pursuant to the Vision Plan includes commercial and retail uses which would result in the addition of new jobs for the residents of the City Carlsbad and the surrounding area. The Vision Plan includes areas where hotels and mixed-use commercial areas could be developed. Hotels and commercial enterprises would need staff to support the services these uses would provide.

Development pursuant to the Vision Plan would provide increased revenues to the City of Carlsbad through increased tax revenues. As development would occur within the Vision Plan area, the property value of the property would increase resulting in an increase in property taxes.

Development pursuant to the Vision Plan would result in increased access to coastal areas for the public by providing local and tourist oriented retail, commercial, residential and recreational uses. City residents and tourists would be drawn to the area by new development and would enjoy expanded and enhanced beach access.

Development pursuant to the Vision Plan would increase the number of people living in the area that will be in need of goods and services that can be provided by other commercial ventures within the City of Carlsbad.

#### **Finding of Social Benefit**

Development pursuant to the Vision Plan would result in a realignment of Carlsbad Boulevard which would result in an estimated 104 parking spaces on the west side of Carlsbad Boulevard to facilitate public use of the State Beach.

A realignment of Carlsbad Boulevard that would provide for potential opportunities for the State Parks campground to expand on to land vacated by the realignment. Additional land would be available for a linear park adjacent to the State Beach for public use.

Development pursuant to the Vision Plan would supply needed housing in the City of Carlsbad, thereby helping to meet the needs of the region's growing population. The project will also increase the stock of new homes in the region, thereby providing a wider range of housing stock than currently exists.

Development pursuant to the Vision Plan would provide recreational opportunities in the area, including recreational facilities available to the general public, through the development of the project's public and private multi-use trail system. The Vision Plan trails system includes additional routes and linkages for the Coastal Rail Trail.

#### **Finding of Public Safety Benefit**

Development pursuant to the Vision Plan would result in a benefit to public safety by constructing a pedestrian underpass (with handicapped access ramp), which would safely

move residents and visitors from the Ponto Beachfront Village to the beach area without crossing Carlsbad Boulevard Traffic.

The City Council specifically finds that any one of the benefits detailed above is sufficient, standing alone, to justify approval of the Ponto Beachfront Village Vision Plan in accordance with State CEQA Guidelines Sections 15092 and 15093 and CEQA Section 21081.

Documents related to these findings are available for review at the City of Carlsbad, City Planning Department, 1635 Faraday Avenue Carlsbad, CA 92008.

The City of Carlsbad City Council has adopted Findings Regarding Significant Effects for the above project, which identify that certain significant effects of implementing the project are unavoidable, even after incorporation of any feasible mitigation measures. The City Council finds that the remaining unavoidable significant effects are acceptable due to each of the specific economic, legal, social, technological or other benefits which will result from the approval and implementation of the project, as described above. All of these benefits are based on the facts set forth in the Findings Regarding Significant Effects, the Final EIR, and the record of proceedings for this Project. Each of these benefits is a separate and independent basis that justifies approval of the project, so that if a court were to set aside the determination that any particular benefit will occur and justifies project approval, the City Council determines that it would stand by its determination that the remaining benefits are sufficient to warrant project approval.

Mitigation Monitoring and Reporting Program

for the

**Ponto Beachfront Village Vision Plan**

**Final Program Environmental Impact Report**

(SCH#2007031141/EIR 05-05/GPA 05-04/LCPA 05-01/DI 05-01)

City of Carlsbad  
Planning Department  
1635 Faraday Avenue  
Carlsbad, California 92008

August 2007

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### APPENDICES

#### Appendix A

City of Carlsbad HMP Designations

#### Appendix B

EIR Biology Mitigation Tables (Tables 5.2-7 to 5.2-9)

#### Appendix C

Traffic Fair-Share Contribution Methodology

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MITIGATION MONITORING AND REPORTING PROGRAM

Ponto Beachfront Village Vision Plan

INTRODUCTION

**PURPOSE**

The purpose of this Mitigation Monitoring and Reporting Program (MMRP) is to identify the mitigation measures that were given in the Ponto Beachfront Village Vision Plan Final EIR and provide an implementation mechanism to ensure that mitigation is implemented and monitored as proposed. Mitigation measures will be adopted by the City of Carlsbad, who will act as the Lead Agency, upon certification of the Final EIR.

The Final EIR prepared for the Ponto Beachfront Village Vision Plan identifies significant impacts anticipated with implementation of the Vision Plan and gives mitigation measures to reduce such impacts to less than significant, or to the extent practicable. As the Vision Plan provides a vision, or guide, for future development of the approximately 50-acre Ponto Area, and would not directly result in development of the site, mitigation measures would be implemented at varying times, as identified in the following table (see Table 1).

The MMRP is prepared consistent with Public Resources Code (PRC) Section 21081.6 and Section 15097 of the California Environmental Quality Act (CEQA) Guidelines. As required by Section 21081.6, the Lead Agency is assigned with monitoring responsibilities to ensure that implementation of the mitigation measures occurs and to evaluate performance of such measures, as well as to enforce such measures as appropriate.

**FORMAT**

The following headings represent the column headings in Table 1. The Final EIR provides mitigation measures for the following issue areas: 1) Air Quality; 2) Biological Resources; 3) Cultural Resources; 4) Hazards; and, 5) Noise. Within Table 1, the following are identified for each mitigation measure given:

***Responsible Monitoring Party***

The Responsible Monitoring Party is the person or entity that would be responsible for ensuring that the mitigation measures are effectively implemented as proposed to reduce project-related impacts. The main responsible monitoring party for the Ponto Beachfront Village Vision Plan MMRP is the City of Carlsbad, with additional monitoring responsibilities assigned to the U.S. Fish

## MITIGATION MONITORING AND REPORTING PROGRAM

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and Wildlife Service (USFWS), California Department of Fish and Game (CDFG), and the San Diego County Department of Environmental Health as appropriate.

### *Required Time of Application*

The approximately 50-acre Ponto Area would be developed over future years. As such, mitigation measures would be implemented at varying times, as individual landowners submit applications for development. All mitigation measures would be implemented during the application or improvement processes, and would be completed prior to project completion.

### *Monitoring Frequency*

This column identifies at what time intervals monitoring would occur to ensure that a particular mitigation measure has been implemented and that it is effectively achieving the intended result. Monitoring frequency will vary, based on the nature of the mitigation measure, and may occur as a one-time event, or over a period of time. Table 1 identifies the monitoring frequency for each mitigation measure, as appropriate.

### *Show on Plan/Completion Date*

This column identifies the location of where implementation of the mitigation measure is to occur. Upon completion of the mitigation measure, the Responsible Monitoring Party will complete this column by entering the approver's initials and the date that the mitigation was completed.

# MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 1  
MITIGATION MONITORING / REPORTING TASKS

<u>Impact</u>	<u>Mitigation Measure</u>	<u>Responsible Monitoring Party</u>	<u>Required Time of Application</u>	<u>Monitoring Frequency</u>	<u>Shown on Plans / Completion Date</u>
<b>Air Quality (Section 5.1)</b>					
<b>Impact AQ-1:</b> The proposed project was found to have a significant and unavoidable air quality impact (fugitive dust) as the result of clearing, grading, and earth moving operations. <i>(Cannot be mitigated to Less than Significant)</i>	<b>Short-Term (Construction) Impacts</b> <b>AQ-1</b> During clearing, grading, earth-moving, or excavation operations, excessive fugitive dust emissions shall be controlled by regular watering or other dust preventive measures using the following procedures: <ul style="list-style-type: none"> <li>Onsite vehicle speed shall be limited to 15 miles per hour;</li> <li>All onsite construction roads with vehicle traffic shall be watered periodically;</li> <li>Streets adjacent to the Ponto Area shall be swept as needed to remove silt that may have accumulated from construction activities so as to prevent excessive amounts of dust;</li> <li>All material excavated or graded shall be sufficiently watered to prevent excessive amounts of dust. Watering shall occur at least twice daily with complete coverage, preferably in the late morning and after work is done for the day;</li> <li>All clearing, grading, earth-moving, or excavation activities shall cease during periods of high winds (i.e., greater than 35 miles per hour averaged over one hour) so as to prevent excessive amounts of dust;</li> <li>All material transported onsite or offsite shall be either sufficiently watered or securely covered to prevent excessive amounts of dust;</li> </ul>	City Engineering Department	Prior to issuance of grading permits.	Ongoing, periodic inspection during project construction.	Verification: Date _____ Init. _____ Name _____

# MITIGATION MONITORING AND REPORTING PROGRAM

<u>Impact</u>	<u>Mitigation Measure</u>	<u>Responsible Monitoring Party</u>	<u>Required Time of Application</u>	<u>Monitoring Frequency</u>	<u>Shown on Plans / Completion Date</u>
	<ul style="list-style-type: none"> <li>The area disturbed by clearing, grading, earth-moving, or excavation operations shall be minimized so as to prevent excessive amounts of dust; and,</li> <li>These control techniques shall be indicated on project grading plans. Compliance with this measure shall be subject to periodic site inspections by the City of Carlsbad.</li> </ul>				
<b>Impact AQ-2:</b> The proposed project was found to have a significant and unavoidable air quality impact (fugitive dust) as the result of trucks hauling material on and offsite. <i>(Cannot be mitigated to Less than Significant)</i>	<b>AQ-2</b> All trucks hauling excavated or graded material onsite shall comply with State Vehicle Code Section 23114, with special attention to Sections 23114(b)(F), (e)(2) and (e)(4), as amended, regarding the prevention of such material spilling onto public streets.	City Engineering Department	Prior to issuance of grading permits.	Ongoing, periodic inspection during project construction.	Verification: Date _____ Init. _____ Name _____

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<b>Impact AQ-3:</b> The proposed project was found to have a significant and unavoidable air quality impact (fugitive dust) as the result of construction equipment onsite. <i>(Cannot be mitigated to Less than Significant)</i>	<b>AQ-3</b> During construction activities, excessive construction equipment and vehicle exhaust emissions shall be controlled by implementing the following procedures: <ul style="list-style-type: none"> <li>• Properly and routinely maintain all construction equipment, as recommended by manufacturer manuals, to control exhaust emissions.</li> <li>• Shut down equipment when not in use for extended periods of time to reduce emissions associated with idling engines.</li> <li>• Encourage ride sharing and use of transit transportation for construction employee commuting to the Project sites.</li> <li>• Use electric equipment for construction whenever possible in lieu of fossil fuel-fired equipment.</li> <li>• Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing construction activity during the peak-hour of vehicular traffic on adjacent roadways.</li> </ul>	City Engineering Department	Prior to issuance of grading permits.	Ongoing, periodic inspection during project construction.	Verification: _____ Date _____ Name
<b>Impact AQ-4:</b> The proposed project was found to have a significant air quality impact (asbestos) as the result of demolition activities.	<b>Short-Term (Construction) Impacts</b> <b>AQ-4</b> The construction contractor shall adhere to SDAPCD District Rule 361.150 (Standards for Waste Disposal for Manufacturing, Fabricating, Demolition, Renovation, and Spraying Operations) to regulate asbestos emissions as a result of demolition activities.	City Planning Department	Prior to demolition activities.	Ongoing, periodic inspection during demolition activities.	Verification: _____ Date _____ Name

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<u>Impact</u>	<u>Mitigation Measure</u>	<u>Responsible Monitoring Party</u>	<u>Required Time of Application</u>	<u>Monitoring Frequency</u>	<u>Shown on Plans / Completion Date</u>
<b>Impact AQ-5:</b> The proposed project was found to have a significant air quality impact as the result of architectural improvements (volatile organic compounds).	<b>AQ-5</b> The construction contractor shall adhere to SDAPCD District Rule 67.0 (Architectural Coatings) to limit volatile organic compounds from architectural coatings. This rule specifies architectural coatings storage, clean up and labeling requirements.	City Planning Department	Prior to application of architectural coatings on structures. Show on architectural plans.	Ongoing, periodic inspection during application of architectural coatings.	Verification: Date _____ Init. _____ Name _____
<b>Impact AQ-6:</b> The proposed project was found to have a significant and unavoidable air quality impact as the result of operational emissions that would exceed the SDAPCD thresholds in regards to ROGs and PM <sub>10</sub> . <i>(Cannot be mitigated to Less than Significant)</i>	<b>Long-Term (Operational) Impacts</b> <b>AQ-6</b> Prior to approval of site development plans for future development within the Ponto Area, the City shall ensure that all of the operational mitigation measures identified below are identified and included as part of the project development plans, as applicable. These measures shall be implemented by the project applicant of each individual project when development plans are proposed, and shall be verified by the City of Carlsbad Planning Department. <ul style="list-style-type: none"><li>The City shall recommend that the proposed surrounding commercial facilities which incorporate gas stations utilize pumps dispensing oxygenated gasoline (especially during winter months, typically taken as November through February inclusive) in an effort to reduce overall CO emissions within the air basin due to traffic traveling to and from the project site. In addition, the City shall recommend that workers at surrounding commercial facilities participate in ride-share programs and seek alternate forms of transportation to the site.</li></ul>	City Planning Department	Prior to approval of Site Development Plans for individual land ownerships.	Once, upon approval of Site Development Plans for individual land ownerships.	Verification: Date _____ Init. _____ Name _____

# MITIGATION MONITORING AND REPORTING PROGRAM

<u>Impact</u>	<u>Mitigation Measure</u>	<u>Responsible Monitoring Party</u>	<u>Required Time of Application</u>	<u>Monitoring Frequency</u>	<u>Shown on Plans / Completion Date</u>
	<ul style="list-style-type: none"> <li>• Future onsite commercial land uses shall implement design measures that promote the use of alternative modes of transportation, such as: <ul style="list-style-type: none"> <li>- Mixed-use development (combine residential, retail, employment, and commercial).</li> <li>- Sidewalks; safe street and parking lot crossings; showers and locker rooms; sheltered transit stops; theft-proof well-lighted bicycle storage facilities with convenient access to building entrance; carpools and vanpools.</li> <li>- Onsite services to reduce need for offsite travel such as: childcare; telecommute center; retail stores; postal machines; and automatic teller machines.</li> <li>- Commercial and retail businesses should be encouraged to schedule operations during off-peak travel times; adjust business hours; and allow alternative work schedules, telecommuting.</li> <li>- Provide preferential parking for carpool/vanpool vehicles.</li> <li>- Construct transit facilities such as bus turnouts/bus bulbs, benches, shelters, etc.</li> <li>- Provide direct, safe, attractive pedestrian access from project to transit stops and adjacent development.</li> <li>• Increase wall and attic insulation beyond Title 24 requirements.</li> <li>• Plant shade trees in surface parking lots to reduce evaporative emissions from parked vehicles.</li> </ul> </li> </ul>				

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	<ul style="list-style-type: none"> <li>Use lighting controls and energy-efficient interior lighting, and built-in energy efficient appliances.</li> <li>Use double-paned windows.</li> <li>Use energy-efficient low sodium parking lot and streetlights.</li> </ul>				
<b>Biological Resources (Section 52)</b>					
<b>Impacts B-1a to B-1g:</b> The proposed project was found to have a significant impact on sensitive biological resources including southern willow scrub, southern coastal bluff scrub, Diegan coastal sage scrub, eucalyptus woodland, and disturbed habitat.	<b><i>Sensitive Vegetation Communities</i></b> <b>B-1a</b> Impacts to 0.04 acre of southern willow scrub shall be mitigated at a 3:1 ratio either through offsite creation (1:1 ratio) and enhancement (2:1 ratio) or offsite acquisition (3:1 ratio) of 0.12 acre of southern willow scrub credit at a wetland mitigation bank. If credits are not purchased, a Restoration Plan for habitat creation and enhancement shall be submitted to the USFWS, CDFG, and City for approval prior to issuance of any grading or construction permits and prior to approval of final map.	City Planning – Planning Director in consultation with the Wildlife Agencies <i>See Appendices A and B.</i>	Prior to recordation of the final map or prior to issuance of a construction or grading permit, whichever occurs first.	Once, upon completion.	Verification: _____ Date      Init. _____ Name
	<b>B-1b</b> Impacts to 0.1 acre of southern coastal bluff scrub (including disturbed) shall be mitigated at a 3:1 ratio either through offsite creation (1:1 ratio) and enhancement (2:1 ratio) or offsite acquisition (3:1 ratio) of 0.3 acre of southern coastal bluff scrub at an approved mitigation bank. If credits are not purchased, a Restoration Plan for habitat creation and enhancement shall be submitted to the USFWS, CDFG, and City for approval prior to issuance of any grading or construction permits and prior to approval of final map.	City Planning – Planning Director in consultation with the Wildlife Agencies <i>See Appendices A and B.</i>	Prior to recordation of the final map or prior to issuance of a construction or grading permit, whichever occurs first.	Once, upon completion.	Verification: _____ Date      Init. _____ Name



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<u>Impact</u>	<u>Mitigation Measure</u>	<u>Responsible Monitoring Party</u>	<u>Required Time of Application</u>	<u>Monitoring Frequency</u>	<u>Shown on Plans / Completion Date</u>
<b>B-1c</b>	Impacts to 1.2 acres of unoccupied Diegan coastal sage scrub (including disturbed) shall be mitigated at a 2:1 ratio through creation at a minimum 1:1 ratio (to meet the no net loss policy of Diegan coastal sage scrub within the coastal zone) and either creation or offsite acquisition at a 1:1 ratio. If credits are not purchased, a Restoration Plan for habitat creation and enhancement shall be submitted to the USFWS, CDFG, and City for approval prior to issuance of any grading or construction permits and prior to approval of final map.	City Planning Department – Planning Director in consultation with the Wildlife Agencies <i>See Appendices A and B.</i>	Prior to recordation of the final map or prior to issuance of a grading or construction permit, whichever occurs first.	Once, upon completion.	Verification:  Date _____ Init. _____  Name _____
<b>B-1d</b>	Impacts to 0.3 acre of eucalyptus woodland shall be mitigated with payment of a fee into the City's Habitat In Lieu Mitigation Fee fund, consistent with the City's fee schedule at the time of permit issuance. The City has adopted an In-lieu Mitigation Fee, consistent with Section E.6 of the Habitat Management Plan and City Council Resolution No. 2000-223 to fund mitigation for impacts to certain categories of vegetation and animal species. All development projects within the Ponto Area shall be required to pay the fee in order to be found consistent with the Habitat Management Plan and the Open Space and Conservation Element of the General Plan. The fee shall be paid prior to recordation of a final map or issuance of a grading permit or building permit, whichever occurs first.	City Planning Department <i>See Appendices A and B.</i>	Prior to recordation of a final map or issuance of a grading permit or building permit, whichever occurs first.	Once, upon contribution.	Verification:  Date _____ Init. _____  Name _____

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<u>Impact</u>	<u>Mitigation Measure</u>	<u>Responsible Monitoring Party</u>	<u>Required Time of Application</u>	<u>Monitoring Frequency</u>	<u>Shown on Plans/ Completion Date</u>
<b>B-1e</b>	Impacts to 21.1 acres of disturbed habitat shall be mitigated with payment of a fee into the City's Habitat In Lieu Mitigation Fee fund, consistent with the City's fee schedule at the time of permit issuance. The City has adopted an In-lieu Mitigation Fee, consistent with Section E.6 of the Habitat Management Plan and City Council Resolution No. 2000-223 to fund mitigation for impacts to certain categories of vegetation and animal species. All development projects within the Ponto Area shall be required to pay the fee in order to be found consistent with the Habitat Management Plan and the Open Space and Conservation Element of the General Plan. The fee shall be paid prior to recordation of a final map or issuance of a grading permit or building permit, whichever occurs first.	City Planning Department <i>See Appendices A and B.</i>	Prior to recordation of a final map or issuance of a grading permit or building permit.	Once, upon contribution.	Verification:  Date _____ Init. _____  Name _____
<b>B-1f</b>	If restoration for impacts to southern willow scrub, southern coastal bluff scrub, and/or Diegan coastal sage scrub occurs, the project applicant shall execute and record a perpetual biological conservation easement over habitat to be preserved for project-related mitigation. The easement shall be in favor of an agent approved by the USFWS and CDFG. Either the USFWS or CDFG shall be named as third party beneficiary. Further, the project applicant shall prepare and implement a perpetual management, maintenance, and monitoring plan for all biological conservation easements. The project applicant shall also provide a non-wasting endowment for an amount approved by the USFWS and CDFG (based on a cost estimation method) to secure the ongoing funding for the perpetual management, maintenance, and monitoring of biological conservation easement areas.	City Planning Department – Planning Director in consultation with the Wildlife Agencies	Prior to recordation of the final map or prior to issuance of a grading permit or building permit, whichever occurs first.	Once, upon completion.	Verification:  Date _____ Init. _____  Name _____

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<u>Impact</u>	<u>Mitigation Measure</u>	<u>Responsible Monitoring Party</u>	<u>Required Time of Application</u>	<u>Monitoring Frequency</u>	<u>Shown on Plans / Completion Date</u>
	<b>B-1g</b> Project-specific development shall be required to comply with the provisions of Section 7-11 (Buffers and Fuel management) and Section 7-12 (Grading and Landscaping Requirements) of the City's HMP.	City Planning Department	Prior to recordation of a final map or issuance of a grading permit.	Once, upon completion.	Verification: _____ Date Init. _____ Name _____
<b>Impacts B-2a and 2b:</b> The proposed project was found to have a significant impact on Corps jurisdictional wetlands, non-wetland Waters of the U.S., CDFG jurisdictional wetlands, and CDFG jurisdictional streambed.	<b><i>Jurisdictional Areas</i></b> <b>B-2a</b> Impacts to 0.04 acre of Corps jurisdictional wetlands and 0.11 acre of non-wetland Waters of the U.S. shall be mitigated by the creation and/or enhancement of 0.23 acre of jurisdictional areas offsite at 3:1 and 1:1 ratio, respectively, as determined by the resource agencies.	City Planning – Department – Planning Director in consultation with the Wildlife Agencies	Prior to recordation of the final map or prior to issuance of a grading permit, whichever occurs first.	Once, upon completion.	Verification: _____ Date Init. _____ Name _____
	<b>B-2b</b> Impacts to 0.04 acre of CDFG jurisdictional wetlands and 0.17 acre of CDFG jurisdictional streambed shall be mitigated by the creation and/or enhancement of 0.29 acre of jurisdictional areas offsite at 3:1 and 1:1 ratio, respectively, as determined by the resource agencies.	City Planning – Department – Planning Director in consultation with the Wildlife Agencies	Prior to recordation of the final map or prior to issuance of a grading permit, whichever occurs first.	Once, upon completion.	Verification: _____ Date Init. _____ Name _____
<b>Impact B-3:</b> The proposed project was found to have a significant impact on sensitive biological resources from construction noise.	<b><i>Construction Noise</i></b> <b>B-3a</b> No grubbing, grading, or clearing within 500 feet of occupied Diegan coastal sage scrub during the coastal California gnatcatcher breeding season (March 1 through August 15) shall occur. As such, all grading permits, improvement plans, and the final map shall state the same. If grubbing, grading, or clearing is proposed during the coastal California gnatcatcher breeding season, a pre-construction survey shall be conducted to determine if this species occurs within the	City Planning / Department / Wildlife Agencies	Prior to issuance of grading permit and during construction if work is proposed within 500 ft of suitable habitat during the breeding season (March 1 through	Ongoing inspection during clearing, grading and construction activities in the vicinity of sensitive biological open	Verification: _____ Date Init. _____ Name _____

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	<p>areas impacted by noise (either within 500 feet or where noise is greater than 60 dB Leq or the ambient noise level). If there are no coastal California gnatcatchers nesting (includes nest building or other breeding/nesting behavior) within this impact area, development shall be allowed to proceed. However, if coastal California gnatcatchers are observed nesting or displaying breeding/nesting behavior within the area, construction shall (1) be postponed until all nesting (or breeding/nesting behavior) has ceased or until after August 15; or (2) a temporary noise barrier or berm shall be constructed at the edge of the development footprint to ensure that noise levels are reduced to below 60 dB Leq. Alternatively, the use of construction equipment could be scheduled to keep noise levels below 60 dB Leq, or the ambient noise level, in lieu of or in concert with a wall or other noise barrier.</p>		<p>August 15).</p> <p>Hire qualified biological monitor prior to clearing, grading, and grubbing activities.</p> <p>Monitor present during initial clearing and grubbing of habitat.</p> <p>Surveys no more than 7 days prior to performing vegetation clearing/grubbing and one survey the day prior to initiation of remaining work.</p>	<p>space areas.</p>	<p>Verification:</p> <p>Date _____ Init. _____</p> <p>Name _____</p> <p>Verification:</p> <p>Date _____ Init. _____</p> <p>Name _____</p>
<b>B-3b</b>	<p>No grubbing, grading, or clearing within 500 feet of the Least Tern Preserve during the least tern breeding season (April through September) shall occur. As such, all grading permits, improvement plans, and the final map shall state the same. If grubbing, grading, or clearing is proposed during the least tern breeding season, a noise study shall be conducted to determine if construction noise would be greater than 60 dB Leq or the ambient noise level within the Least Tern Preserve. If the noise level within this impact area exceeds 60 dB Leq or the ambient noise level within the Least Tern</p>	<p>City Planning / Department / Wildlife Agencies</p>	<p>Prior to issuance of grading permit and during construction if work is proposed within 500 feet of suitable habitat during the breeding season (April through September 30).</p>	<p>Ongoing inspection during clearing, grading and construction activities in the vicinity of sensitive biological open space areas.</p>	<p>Verification:</p> <p>Date _____ Init. _____</p> <p>Name _____</p>

# MITIGATION MONITORING AND REPORTING PROGRAM

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	<p>Preserve, construction shall (1) be postponed until all nesting (or breeding/nesting behavior) has ceased or until after September 30; or (2) a temporary noise barrier or berm shall be constructed at the edge of the development footprint to ensure that noise levels are reduced to below 60 dB Leq or the ambient noise level. Alternatively, the use of construction equipment could be scheduled to keep noise levels below 60 dB Leq, or the ambient noise level, in concert with a wall or other noise barrier.</p>		Hire qualified biological monitor prior to clearing, grading, and grubbing activities.		
<b>B-3c</b>	<p>No grubbing, grading, or clearing within 500 feet of raptor nesting habitat (such as eucalyptus trees) during the raptor breeding season (December through July) shall occur. As such, all grading permits, improvement plans, and the final map shall state the same. If grubbing, grading, or clearing is proposed during the raptor breeding season, a pre-construction survey shall be conducted to determine if these species occur within the areas impacted by noise (either within 500 feet or where noise is greater than 60 dB Leq or the ambient noise level). If there are no raptors nesting (includes nest building or other breeding/nesting behavior) within this area, development shall be allowed to proceed. However, if raptors are observed nesting or displaying breeding/nesting behavior within the area, construction shall (1) be postponed until all nesting (or breeding/nesting behavior) has ceased or until after July 15; or (2) a temporary noise barrier or berm shall be constructed at the edge of the development footprint to ensure that noise levels are reduced to below 60 dB Leq or the ambient noise level. Alternatively, the use of construction equipment could be scheduled to keep noise levels below 60 dB Leq, or the ambient noise level, in lieu of or in concert with a wall or other noise barrier.</p>	City Planning Department / Wildlife Agencies	<p>Prior to issuance of grading permit and during construction if work is proposed within 500 feet of suitable habitat during the breeding season (December through July 15).</p> <p>Hire qualified biological monitor prior to clearing, grading, and grubbing activities.</p> <p>Surveys to be completed prior to grading or construction.</p>	<p>Ongoing inspection during clearing, grading and construction activities in the vicinity of sensitive biological open space areas.</p>	<p>Verification:</p> <p>Date _____</p> <p>Init. _____</p> <p>Name _____</p>

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	<p><b>B-3d</b> In order to ensure compliance with the MBTA, clearing of all vegetation shall occur outside of the breeding season of most avian species (February 15 through September 15). Grubbing, grading, or clearing during the breeding season of MBTA-covered species could occur if it is determined via a pre-construction survey that no nesting birds (or birds displaying breeding or nesting behavior) are present immediately prior to grubbing, grading, or clearing and would require approval of the City, USFWS, and CDFG that no breeding or nesting avian species are present in the vicinity of the grubbing, grading, or clearing.</p>	City Planning Department / Wildlife Agencies	<p>Prior to issuance of grading permit and during construction if work is proposed within 500 feet of suitable habitat during the breeding season (February 15 through September 15).</p> <p>Hire qualified biological monitor prior to clearing, grading, and grubbing activities.</p>	Ongoing inspection during clearing, grading and construction activities in the vicinity of sensitive biological open space areas.	<p>Verification:</p> <p>Date _____ Init. _____</p> <p>Name _____</p>
<p><b>Impact B-4:</b> The proposed project was found to have a significant impact regarding harm from domesticated animals on wildlife.</p>	<p><b>Domesticated Pets</b></p> <p><b>B-4</b> Each Homeowner's Association (HOA; for residential projects), property owners (for all non-residential projects), and the City of Carlsbad (for public spaces) shall be responsible for taking steps to prevent problems from nuisance animals and pets by an integrated program of education; signage; litter and refuse collection; prohibition against feeding wildlife, pest-proof refuse containers; pest eradication (as necessary), and coordination with CDFG and other habitat managers as necessary. In addition, permanent fencing, approved by the USFWS and CDFG, shall be provided along the top of slope overlooking Batiquitos Lagoon to reduce intrusion into the lagoon by pets.</p>	City Planning Department	<p>Prior to approval of final map or issuance of grading permit.</p>	Ongoing	<p>Verification:</p> <p>Date _____ Init. _____</p> <p>Name _____</p>

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<b>Impact B-5:</b> The proposed project was found to have a significant impact on sensitive biological resources from night lighting.	<p><i>Night Lighting</i></p> <p><b>B-5</b> Outdoor lighting proposed with development of lands adjacent to preserved habitat (i.e. Resort Hotel) shall be of the lowest illumination allowed for human safety, selectively placed, shielded, and directed away from preserved habitat. Outdoor lighting proposed with development plans for such lands shall be reviewed and approved by the City as part of the application review process to reduce potential impacts relative to light and glare.</p>	City Planning Department	<p>Prior to approval of final map or issuance of grading or building permits.</p> <p>Include in conditions of approval for residential and commercial development areas that lights shall be shielded to prevent light spillover.</p>	Once, upon approval of Site Development Plans for individual land ownerships.	<p>Verification:</p> <p>Date _____ Init. _____</p> <p>Name _____</p>
<b>Impact B-6:</b> The proposed project was found to have a significant impact on sensitive biological resources from errant construction.	<p><i>Errant Construction</i></p> <p><b>B-6</b> During the construction period, limits of grading and clearing shall be clearly delineated with temporary fencing such as orange construction and silt fencing to ensure that construction activity remains within the defined limits of disturbance according to the grading plan. All temporary fencing shall be placed on the impact side of the interface. A qualified biologist shall inspect the fencing and shall monitor construction activities occurring adjacent to the construction limits to avoid unauthorized impacts. Unauthorized impacts shall be reported to the USFWS, CDFG, and City within 24 hours of occurrence and shall be mitigated at a 5:1 ratio. Temporary fencing shall be removed only after the conclusion of all grading, clearing, and construction.</p>	City Engineering and Planning Departments	<p>Hire qualified biological monitor prior to construction activities.</p> <p>Notification by developers at commencement of construction.</p>	Ongoing, through construction.	<p>Verification:</p> <p>Date _____ Init. _____</p> <p>Name _____</p>

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<b>Cultural and Paleontological Resources (Section 5.3)</b>					
<b>Impact CR-1:</b> The proposed project was found to have a significant impact on cultural resources as the result of future site improvement activities.	<p>Development of the Ponto site could potentially result in significant impacts to undiscovered archaeological resources during the grading and construction phases. To reduce impacts to less than significant, the following mitigation measure is proposed:</p> <p><i>Data Recovery Program</i></p> <p><b>CR-1</b> Prior to issuance of any Grading Permits or approval of improvement plans, the applicant shall:</p> <p>A. Implement a Data Recovery Program, in compliance with the City of Carlsbad's Cultural Resource Guidelines Criteria and Methodology, to mitigate potential impacts to undiscovered buried archaeological resources on properties located within the Ponto Area to the satisfaction of the Planning Director. This program shall include, but shall not be limited to, the following actions:</p> <p>1. Provide evidence to the Planning Department that a qualified archaeologist and/or archaeological monitor has been contracted to implement a grading, trenching, brushing monitoring and data recovery program to the satisfaction of the Planning Director. A copy of the contract as well as a letter from the applicant and the archaeologist and/or archaeological monitor shall be submitted to the director of Planning Director. The contract shall include the following guidelines:</p> <p>a. The consulting archaeologist shall contract with a Native American monitor to be involved with the grading monitoring program.</p>	City Planning Department	Hire qualified archaeologist prior to issuance of a grading permit.  Monitoring throughout grading operations.  Technical report upon completion of grading activities.	Ongoing throughout grading operations.	Verification: Date _____ Init. _____ Name _____



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	<p>b. The consulting archaeologist/historian and Native American monitor shall attend the pre-grading meeting with the contractors to explain and coordinate the requirements of the monitoring program.</p> <p>c. The consulting archaeologist shall monitor all areas identified for development.</p> <p>d. An adequate number of monitors (archaeological/historical/ Native American) shall be present to ensure that all earth moving activities area are observed and shall be onsite during all grading activities.</p> <p>e. During the original cutting of previously undisturbed deposits, the archaeological monitor(s) and Native American monitor shall be onsite full-time to perform full-time monitoring as determined by the Principal Investigator of the excavations. The frequency of inspections will depend on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features.</p> <p>f. Isolates and clearly non-significant deposits will be minimally documented in the field and the monitored grading can proceed.</p> <p>g. In the event that previously unidentified potentially significant cultural resources are discovered, the archaeological monitor(s) shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources. The archaeologist</p>				

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	<p>shall contact the City at the time of discovery. The archaeologist, in consultation with the City, shall determine the significance of the discovered resources. The City must concur with the evaluation before construction activities will be allowed to resume in the affected area. For significant cultural resources, a Data Recovery Program to mitigate impacts shall be prepared by the consulting archaeologist and approved by the City, then carried out using professional archaeological methods.</p> <p>h. If any human bones are discovered, the Principal Investigator shall contact the City Coroner. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted in order to determine proper treatment and disposition of the remains.</p> <p>i. Before construction activities are allowed to resume in the affected area, the artifacts shall be recovered and features recorded using professional archaeological methods. The archaeological monitor(s)/Principal Investigator shall determine the amount of material to be recovered for an adequate sample for analysis.</p> <p>j. In the event that previously unidentified cultural resources are discovered, all cultural material collected during the grading monitoring program and all previous archaeological studies shall be processed and curated according to current professional repository standards. The</p>				

# MITIGATION MONITORING AND REPORTING PROGRAM

<u>Impact</u>	<u>Mitigation Measure</u>	<u>Responsible Monitoring Party</u>	<u>Required Time of Application</u>	<u>Monitoring Frequency</u>	<u>Shown on Plans / Completion Date</u>
	<p>collections and associated records shall be transferred, including release of title, to a permanently curated at a qualified repository as defined by the "State of California Guidelines for the Curation of Archaeological Collections." The affected landowner shall agree to pay such fees as required for curation that are in effect for the selected repository at the time of curation. Evidence must be provided to the satisfaction of the Planning Director and that all fees have been paid. All curation activities shall be completed within six months of project completion.</p> <p>k. In the event that previously unidentified cultural resources are discovered, a report documenting the field and analysis results and interpreting the artifact and research data within the research context shall be completed and submitted to the satisfaction of the director Planning Director prior to the issuance of any building permits.</p> <p>1. In the event that no cultural resources are discovered, a brief letter to that effect shall be sent to the Planning Director by the consulting archaeologist that the grading monitoring activities have been completed.</p>				

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<p><b>Impact CR-2:</b> The proposed project was found to have a significant impact on paleontological resources as the result of future site improvement activities.</p>	<p><i>Short Term</i></p> <p><b>CR-2:</b> Prior to issuance of grading permits and approval of improvement plans pursuant to approval of any map, the applicant shall retain a qualified paleontologist to monitor the site during grading. The applicant shall provide evidence to the satisfaction of the Planning Director of contracting with a paleontologist through a letter prepared by the paleontologist that states he/she has been retained by the applicant. The paleontologist shall attend all pre-grading meetings to consult with grading contractors.</p> <p>A paleontological monitor shall be present onsite during all grading operations to evaluate the presence of fossils. The paleontologist shall have the authority to direct, divert, or halt any grading activity until such time that the sensitivity of the resource can be determined and the appropriate mitigation implemented.</p> <p>Prior to approval of the Final Map, the applicant shall furnish documentary evidence to the satisfaction of the Planning Director that prepared fossils, along with copies of field notes, photos, and maps have been deposited in a scientific institution, such as the San Diego Natural History Museum.</p>	City Planning Department	<p>Hire qualified paleontologist prior to issuance of a grading permit.</p> <p>Monitoring throughout grading operations.</p> <p>Technical report upon completion of grading activities.</p>	Ongoing throughout grading operations.	<p>Verification:</p> <p>Date _____ Init. _____</p> <p>Name _____</p>

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<u>Impact</u>	<u>Mitigation Measure</u>	<u>Responsible Monitoring Party</u>	<u>Required Time of Application</u>	<u>Monitoring Frequency</u>	<u>Shown on Plans / Completion Date</u>
<b>Hazards and Hazardous Materials (Section 5.4)</b>					
<b>Impact HM-1:</b> The proposed project was found to have a significant impact as the result of hazards or hazardous materials onsite.	<p><b>Structures</b></p> <p><b>HM-1</b> Prior to the commencement of demolition or renovation activities, the interior of individual onsite structures within the Ponto Area shall be visually inspected. Should hazardous materials be encountered with any onsite structure, the materials shall be tested and properly disposed of offsite in accordance with State and Federal regulatory requirements. Any stained soils or surfaces underneath the removed materials shall be sampled. Results of the sampling would indicate the appropriate level of remediation efforts that may be required.</p>	City Planning and Building Departments  City Planning and Engineering Departments	Prior to issuance of a demolition permit.  Verification of removal of hazardous materials.	Once, upon completion.  Once, upon completion.	Verification: Date      Init. Name Verification: Date      Init. Name

# MITIGATION MONITORING AND REPORTING PROGRAM

<u>Impact</u>	<u>Mitigation Measure</u>	<u>Responsible Monitoring Party</u>	<u>Required Time of Application</u>	<u>Monitoring Frequency</u>	<u>Shown on Plans/ Completion Date</u>
<b>Impact HM-2:</b> The proposed project was found to have a significant impact as the result of hazards or hazardous materials onsite (asbestos-containing materials).	<b>Asbestos Containing Materials</b> <b>HM-2</b> Prior to the commencement of any remedial or demolition work, building owners shall contract with a certified professional to conduct an asbestos survey, consistent with National Emission Standards for Hazardous Air Pollutants (NESHAP) standards to determine the presence of ACMs. Demolition of or within existing buildings on individual parcels onsite must comply with State law, which requires a certified contractor where there is asbestos-related work involving 100 square feet of more of ACMs to ensure that certain procedures regarding the removal of asbestos are followed.	City Planning and Building Departments  City Planning and Engineering Departments	Asbestos investigation report shall be submitted prior to issuance of a demolition permit.  Verification of removal of hazardous materials.	Once, upon completion.  Once, upon completion.	Verification:  Date _____ Init. _____  Name _____  Verification:  Date _____ Init. _____  Name _____
<b>Impact HM-3:</b> The proposed project was found to have a significant impact as the result of hazards or hazardous materials onsite (lead-based paints).	<b>Lead Based Paints</b> <b>HM-3</b> If, during demolition of any onsite structures on individual parcels, paint is separated from the building material (e.g., chemically or physically), the paint waste shall be evaluated independently from the building material to determine its proper management. According to the Department of Substances Control, if paint is not removed from the building material during demolition (and is not chipping or peeling), the material could be disposed of as construction debris (a non-hazardous waste). It is recommended that the landfill operator be contacted in advance to determine any specific requirements for the disposal of lead-based paint materials.	City Planning and Building Departments  City Planning and Engineering Departments	Asbestos investigation report shall be submitted prior to issuance of a demolition permit.  Verification of removal of hazardous materials.	Once, upon completion.  Once, upon completion.	Verification:  Date _____ Init. _____  Name _____  Verification:  Date _____ Init. _____  Name _____

# MITIGATION MONITORING AND REPORTING PROGRAM

<u>Impact</u>	<u>Mitigation Measure</u>	<u>Responsible Monitoring Party</u>	<u>Required Time of Application</u>	<u>Monitoring Frequency</u>	<u>Shown on Plans / Completion Date</u>
<b>Impact HM-4:</b> The proposed project was found to have a significant impact as the result of hazards or hazardous materials onsite (miscellaneous debris).	<p><b>Other Hazardous Materials</b></p> <p><i>Miscellaneous Debris</i></p> <p><b>HM-4</b> Prior to issuance of a grading permit, all miscellaneous debris (i.e., wood, concrete, 55-gallon drums, miscellaneous household debris, automobiles, scrap metal, construction equipment, paint cans, batteries, and plastic and metal piping, etc.) shall be removed offsite and properly disposed of at an approved landfill facility. Once removed, a visual inspection of the areas beneath the removed materials shall be performed. Any stained soils observed underneath the removed materials shall be sampled. Results of the sampling (if necessary) would indicate the level of remediation efforts that shall be required.</p> <p>All light industrial equipment associated with hazardous materials storage, mixing, and/or use (i.e., fume-hoods, vents, piping, etc.) shall be properly disposed of in accordance with State and Federal regulations at an approved offsite landfill facility.</p>	City Planning and Engineering Departments	Prior to issuance of grading permit.	Ongoing during initial grubbing and grading.	Verification: Date _____ Init. _____ Name _____
<b>Impact HM-5:</b> The proposed project was found to have a significant impact as the result of hazards or hazardous materials onsite (septic tanks).	<p><b>Septic Tanks</b></p> <p><b>HM-5</b> Prior to the issuance of a grading permit, the specific location of onsite septic tanks shall be determined. Once located, septic tanks shall be removed and properly disposed of at an approved offsite landfill facility. Once the tanks are removed, a visual inspection of the areas beneath and around the removed tanks shall be performed. Any stained soils observed underneath the septic tanks shall be sampled. Results of the sampling (if necessary) would indicate the level of remediation efforts that shall be required.</p>	City Planning / County Department of Environmental Health	Prior to issuance of grading permit.	Ongoing during initial grubbing and grading.	Verification: Date _____ Init. _____ Name _____

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<u>Impact</u>	<u>Mitigation Measure</u>	<u>Responsible Monitoring Party</u>	<u>Required Time of Application</u>	<u>Monitoring Frequency</u>	<u>Shown on Plans / Completion Date</u>
<b>Impact HM-6:</b> The proposed project was found to have a significant impact as the result of hazards or hazardous materials onsite (unidentified pipes).	<b><i>Unidentified Pipes</i></b> <b>HM-6</b> Prior to issuance of a grading permit, the terminus of all existing, unidentified metal pipes within an individual property shall be defined (as applicable). Should a UST be present in association with such pipes, the UST shall be removed and property disposed of offsite at an approved landfill facility. Once the UST is removed, a visual inspection of the areas beneath and around the removed UST shall be performed. Any stained soils observed underneath the UST shall be sampled. As a result of sampling (if necessary), the identified level of remediation shall be required.	City Planning / County Department of Environmental Health	Prior to issuance of grading permit.	Ongoing during initial grubbing and grading.	Verification: _____ Date      Init. _____ Name
<b>Impact HM-7:</b> The proposed project was found to have a significant impact as the result of hazards or hazardous materials onsite (pole-mounted transformers).	<b><i>Pole-mounted Transformers</i></b> <b>HM-7</b> Transformers and/or hydraulic lifts to be relocated during site construction/demolition shall be conducted under the purview of the local utility purveyor to identify property-handling procedures regarding potential PCBs.	City Planning Department	Prior to issuance of a building or grading permit.	Once, upon completion.	Verification: _____ Date      Init. _____ Name



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<b>Impact HM-8:</b> The proposed project was found to have a significant impact as the result of hazards or hazardous materials onsite (stained concrete/asphalt).	<b><i>Stained Concrete/Asphalt</i></b> <b>HM-8</b> Prior to issuance of a grading permit, any stained concrete/asphalt shall be removed and disposed of offsite at an appropriate permitted facility. Once removed, exposed soils shall be visually observed to confirm the presence/absence of staining (an indication of contamination migration into the subsurface). If observed, stained soils shall be segregated and tested to identify appropriate remedial activities if necessary which shall then be implemented.	City Planning and Engineering Departments	Verification of removal of hazardous materials prior to issuance of grading permit.	Once, upon completion.	Verification: Date _____ Init. _____ Name _____
<b>Impact HM-9:</b> The proposed project was found to have a significant impact as the result of hazards or hazardous materials onsite (above ground storage tanks).	<b><i>Above Ground Storage Tanks</i></b> <b>HM-9</b> Prior to issuance of a grading permit, onsite ASTs shall be removed and properly disposed of offsite at an approved landfill facility. Once the ASTs are removed, a visual inspection of the areas beneath and around the removed ASTs shall be performed. Stained soils observed underneath the ASTs shall be sampled. Results of the sampling (if necessary) would indicate the level of remediation efforts that shall be required.	City Planning / County Department of Environmental Health	Prior to issuance of a grading permit. Verification of removal of hazardous materials.	Once, upon completion.	Verification: Date _____ Init. _____ Name _____
<b>Impact HM-10:</b> The proposed project was found to have a significant impact as the result of hazards/hazardous materials onsite (Unidentified Soil/Gravel Piles).	<b><i>Unidentified Soil/Gravel Piles</i></b> <b>HM-10</b> Prior to issuance of a grading permit, onsite soil/gravel piles shall be removed from each individual property and properly disposed of. Due to the unknown origin of the soil/gravel piles, the piles shall be sampled and tested for hazardous materials. Once removed, a visual inspection of the areas beneath the removed materials shall be performed. Any stained soils observed underneath the removed materials shall be sampled. Results of the sampling (if necessary) would indicate the level of remediation efforts that shall be required.	City Planning and Engineering Departments	Prior to issuance of a grading permit. Verification of removal of hazardous materials prior to issuance of grading permit.	Once, upon completion.	Verification: Date _____ Init. _____ Name _____

# MITIGATION MONITORING AND REPORTING PROGRAM

<u>Impact</u>	<u>Mitigation Measure</u>	<u>Responsible Monitoring Party</u>	<u>Required Time of Application</u>	<u>Monitoring Frequency</u>	<u>Shown on Plans / Completion Date</u>
<b>Impact HM-11:</b> The proposed project was found to have a significant impact as the result of hazards or hazardous materials onsite (High Pressure Gas Line).	<b>High Pressure Gas Line</b> <b>HM-11</b> Prior to any excavation within the Ponto Area, the exact location of the high-pressure gas line shall be defined prior to the commencement of construction. Any activities occurring within the gas line easement shall be conducted pursuant to applicable guidelines and regulations.	City Planning and Engineering Departments	Prior to issuance of a grading permit.	Once, upon completion.	Verification: Date _____ Init. _____ Name _____
<b>Impact HM-12:</b> The proposed project was found to have a significant impact as the result of hazards or hazardous materials onsite (storage units).	<b>Storage Units</b> <b>HM-12</b> Prior to demolition, the interior of the onsite storage units shall be visually inspected prior to removal. The storage units shall be removed and properly disposed of offsite at an approved landfill facility. Once removed, a visual inspection of the areas beneath the removed materials shall be performed. Any stained soils observed underneath the removed materials shall be sampled. Results of the sampling (if necessary) would indicate the level of remediation efforts that shall be required.	City Planning and Engineering Departments	Prior to demolition activities. Verification of removal of hazardous materials prior to issuance of grading permit.	Once, upon completion.	Verification: Date _____ Init. _____ Name _____
<b>Impact HM-13:</b> The proposed project was found to have a significant impact as the result of hazards or hazardous materials onsite (concrete foundation).	<b>Concrete Foundation</b> <b>HM-13</b> Prior to issuance of a grading permit, the affected owner shall remove the existing concrete foundation in the northern portion of the development area and properly dispose of it at an approved offsite landfill facility. Once removed, a visual inspection of the areas beneath the removed materials shall be performed. Any stained soils observed underneath the removed materials shall be sampled. Results of the sampling (if necessary) would indicate the level of remediation efforts that shall be required.	City Planning and Engineering Departments	Verification of removal of hazardous materials prior to issuance of grading permit.	Once, upon completion.	Verification: Date _____ Init. _____ Name _____

# MITIGATION MONITORING AND REPORTING PROGRAM

<u>Impact</u>	<u>Mitigation Measure</u>	<u>Responsible Monitoring Party</u>	<u>Required Time of Application</u>	<u>Monitoring Frequency</u>	<u>Shown on Plans / Completion Date</u>
<b>Impact</b> HM-14a-c: The proposed project was found to have a significant impact as the result of hazards or hazardous materials onsite (soil sampling).	<p><b>Soil Sampling</b></p> <p><b>HM-14a</b> Prior to the issuance of a grading permit, where surficial staining is visible associated with the automobile and storage areas, soils shall be excavated to determine the exact vertical extent of the contamination (if any). If during soil removal, evidence of petroleum products appears to continue below the ground surface, sampling shall be performed to characterize the extent of contamination and identify appropriate remedial measures that shall be implemented.</p> <p><b>HM-14b</b> If directed by the City, prior to issuance of a grading permit, individual landowners shall contract with a certified Phase II/III specialist to conduct soil sampling to identify any pesticide residues in the soil related to historic agricultural uses onsite. The sampling will determine if pesticide concentrations exceed established regulatory requirements and will identify proper handling procedures that shall be required.</p> <p><b>HM-14c</b> Prior to issuance of a grading permit, construction in which the soil around the historic railway alignment is to be disturbed shall be conducted under the purview of the local regulatory agency to identify presence of gasoline, diesel, and/or creosote within the soils and to identify proper handling procedures. A visual inspection of the areas beneath and around the removed area shall be performed. Any stained soils observed underneath the adjacent area shall be sampled. Results of the sampling (if necessary) would indicate the level of remediation efforts that shall be required.</p>	City Planning and Engineering Departments	Verification of removal of hazardous materials prior to issuance of grading permit.	Once, upon completion.	Verification: _____ Date                      Init. _____ Name

# MITIGATION MONITORING AND REPORTING PROGRAM

<u>Impact</u>	<u>Mitigation Measure</u>	<u>Responsible Monitoring Party</u>	<u>Required Time of Application</u>	<u>Monitoring Frequency</u>	<u>Shown on Plans / Completion Date</u>
<b>Impact HM-15:</b> The proposed project was found to have a significant impact as the result of hazards or hazardous materials onsite (construction activities).	<p><b>Construction Activities</b></p> <p>HM-15 If unknown wastes or suspect materials are discovered during construction on individual properties that are believed to involve hazardous waste/materials, the contractor shall:</p> <ul style="list-style-type: none"> <li>• Immediately stop work in the vicinity of the suspected contaminant, removing workers and the public from the area;</li> <li>• Notify the Project Engineer of the implementing Agency;</li> <li>• Secure the areas as directed by the Project Engineer; and,</li> <li>• Notify the implementing Agency's Hazardous Waste/Materials Coordinator.</li> </ul>	City Planning and Engineering Departments	Concurrent with grading and construction activities.	Ongoing during grading and construction activities.	<p>Verification:</p> <p>Date _____ Init. _____</p> <p>Name _____</p>
<b>Noise (Section 5.5)</b>					
<b>Impact N-1:</b> The proposed project could result in significant and unavoidable short-term noise impacts as the result of construction activities. <i>(Cannot be mitigated to Less than Significant)</i>	<p><b>Short-Term (Construction) Impacts</b></p> <p><b>N-1</b> For all projects within 1,000 feet within residential neighborhoods, prior to Grading Permit issuance, future developments shall demonstrate to the City of Carlsbad that the project complies with the following:</p> <ol style="list-style-type: none"> <li>1. All construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers;</li> <li>2. Construction noise reduction methods such as shutting off idling equipment, installing temporary acoustic barriers around stationary construction noise sources, maximizing the distance between construction equipment staging areas and occupied residential areas, and use of electric air</li> </ol>	City Planning Department	Prior to issuance of grading permit.	Ongoing during grading and construction activities.	<p>Verification:</p> <p>Date _____ Init. _____</p> <p>Name _____</p>

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	<p>compressors and similar power tools, rather than diesel equipment, shall be used where feasible;</p> <p>3. During construction, stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receivers;</p> <p>4. During construction, stockpiling and vehicle staging areas shall be located as far as practical from noise sensitive receptors;</p> <p>5. Operate earthmoving equipment on the construction site, as far away from vibration-sensitive sites as possible; and,</p> <p>6. Construction hours, allowable workdays and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow for surrounding owners and residents to contact the job superintendent. If the superintendent receives a complaint, appropriate corrective actions shall be implemented and a report the action taken to the reporting party.</p>				
<p><b>Impact N-2:</b> The proposed project could result in significant and unavoidable short-term noise impacts as the result of construction activities.</p>	<p><b>N-2</b> As provided within the City of Carlsbad <i>Municipal Code</i>, Section 8.48.010, Construction activities shall occur Monday through Friday between the hours of 7:00 A.M. to sunset and on Saturdays from 8:00 A.M. to sunset, excluding Sundays and legal holidays.</p>	City Planning Department	Include in project conditions of approval.	Once, prior to recordation of the final map.	<p>Verification:</p> <p>Date _____ Init. _____</p> <p>Name _____</p>

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<p><b>Impact N-3a:</b> The proposed project could result in significant long-term noise impacts as the result of mobile sources.</p>	<p><b>Long-Term (Mobile) Impacts</b></p> <p><b>N-3a</b> Prior to final discretionary development approval, property owners within the Ponto Area shall prepare a site-specific noise analysis to the satisfaction of the City Director of Planning, which demonstrates that mobile noise sources would not exceed maximum interior noise level criteria established for residential uses in the City General Plan and that maximum exterior noise levels have been mitigated to the maximum extent feasible. The acoustical reports shall also be prepared pursuant to the City of Carlsbad <i>Noise Guidelines Manual</i>. The analysis shall verify that residences are adequately shielded and/or located at an adequate distance from mobile noise sources in order to comply with the City's noise standards. Individual developments shall, to the extent feasible, implement site-planning techniques such as:</p> <ul style="list-style-type: none"> <li>• Increasing the distance between the noise source and the receiver;</li> <li>• Using non-noise sensitive structures such as garages to shield noise-sensitive areas;</li> <li>• Orienting buildings to shield outdoor spaces from a noise source;</li> <li>• Orienting non-noise generating uses toward existing adjacent residential uses;</li> <li>• Routing commercial truck traffic away from more noise-sensitive uses within the Ponto Area.</li> <li>• Individual developments shall incorporate architectural design strategies, which reduce the exposure of noise-sensitive spaces to stationary</li> </ul>	City Building and Planning Departments	<p>Upon availability of site-specific grading and site plans. In conjunction with review of project development plans.</p> <p>Provide note on plans the type of mitigation required.</p>	Once, upon approval of grading and building plans.	<p>Verification:</p> <p>Date _____ Init. _____</p> <p>Name _____</p>

# MITIGATION MONITORING AND REPORTING PROGRAM

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	<p>noise sources (i.e., placing bedrooms or balconies on the side of the house facing away from noise sources). These design strategies shall be implemented based on recommendations of acoustical analysis for individual developments as required by the City to comply with City noise standards;</p> <ul style="list-style-type: none"> <li>Individual developments shall incorporate noise barriers, walls, or other sound attenuation techniques, based on recommendations of acoustical analysis for individual developments as required by the City to comply with City noise standards; and,</li> <li>Elements of building construction (i.e., walls, roof, ceiling, windows, and other penetrations) shall be modified as necessary to provide sound attenuation. This may include sealing windows, installing thicker or double-glazed windows, locating doors on the opposite side of a building from the noise source, or installing solid-core doors equipped with appropriate acoustical gaskets.</li> </ul>				
<b>Impact N-3b:</b> The proposed project could result in significant long-term noise impacts as the result of mobile sources.	<b>N-3b</b> Through Site Plan review, and to the satisfaction of the City Planning Director, the location of driveways and service entrances associated with hotel uses within the Commercial Tourist (CT) zone shall be restricted to locations where such access points are not directly across from existing residential uses.	City Building and Planning Departments	Upon availability of site-specific grading and site plans. In conjunction with review of project development plans.  Provide note on plans which mitigation is required.	Once, upon approval of grading and building plans.	Verification: _____ Date _____ Name

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<u>Impact</u>	<u>Mitigation Measure</u>	<u>Responsible Monitoring Party</u>	<u>Required Time of Application</u>	<u>Monitoring Frequency</u>	<u>Shown on Plans / Completion Date</u>
<b>Impact N-4a:</b> The proposed project could result in significant long-term noise impacts resulting from stationary sources.	<p><b>Long-Term (Stationary) Impacts</b></p> <p><b>N-4a</b> Electrical and mechanical equipment (i.e., ventilation and air conditioning units) shall be located away from sensitive receptor areas. Additionally, the following considerations should be given prior to installation of proper selection and sizing of equipment, installation of equipment with proper acoustical shielding, and incorporation of the use of parapets into building design. Prior to final discretionary development approval, property owners within the Ponto Area shall prepare a subsequent site-specific noise analysis shall be prepared to the satisfaction of the City Director of Planning, which demonstrates that noise from electrical and mechanical equipment would not exceed maximum interior noise level criteria established for residential uses in the City General Plan and that maximum exterior noise levels have been mitigated to the maximum extent feasible.</p>	City Building and Planning Departments	Prior to the issuance of building permits for residential projects.	Once, upon completion of discretionary review.	Verification: _____ Date      Init. _____ Name



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<u>Impact</u>	<u>Mitigation Measure</u>	<u>Responsible Monitoring Party</u>	<u>Required Time of Application</u>	<u>Monitoring Frequency</u>	<u>Shown on Plans / Completion Date</u>
<b>Impact N-4b:</b> The proposed project could result in significant long-term noise impacts resulting from stationary sources associated with operation.	<b>N-4b</b> A bermed/landscaped buffer shall be provided adjacent to the property boundary within areas zoned as Commercial-Tourist (CT) to distance future land uses from existing adjacent residential uses. Consistent with the City's <i>Standard Conditions of Approval</i> , the applicant shall submit, to the satisfaction of the City Planning Director, a Landscape Plan illustrating the buffer and the landscaping proposed. The Landscape Plan shall be consistent with the City's Landscape Design Manual.	City Planning Department	Upon availability of site-specific grading and site plans. In conjunction with review of project development plans.	Once, upon approval of grading and building plans.	Verification:  Date _____ Init. _____  Name _____
<b>Traffic and Circulation</b>					
<b>Direct Impacts (Section 5.6)</b>					
<b>Impact T-1:</b> The proposed project would result in significant impacts to the following intersection under the existing plus project scenario:  La Costa Avenue / Vulcan Avenue	<b>Existing Plus Vision Plan Intersection Level of Service</b>  <b>T-1:</b> Impacts to the affected intersection shall be mitigated by implementation of the following improvements:  La Costa Avenue / Vulcan Avenue: Install traffic signal with La Costa widening to facilitate intersection improvements.  Prior to the issuance of a building permit, developers within the Ponto Arca shall pay a pro-rata fair share contribution to the La Costa Avenue/Vulcan Avenue improvement.  The pro-rata fair share contribution shall be paid to the City of Carlsbad City Engineer prior to the issuance of building permits. The pro-rata fair share contribution may be adjusted by the City of Carlsbad to reflect any changes in estimated construction and land costs (as described in Appendix G-2). The City of Carlsbad will retain the Ponto developers' allocated pro-rata fair share contribution until the City of Encinitas is required to collect said contributions. Developers with existing ADT credits within their Ponto property will be given offsets against their projected ADT's.	City Engineering Department <i>See Appendix C.</i>	Prior to recordation of final map.	Once, upon contribution.	Verification:  Date _____ Init. _____  Name _____

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	<p>This intersection is located within the jurisdiction of the City of Encinitas and the improvements to this intersection are already required mitigation as part of the City of Encinitas adopted North 101 Corridor Specific Plan and have been included in the City of Encinitas Capital Improvement Program (CIP). Future developers within the Ponto Beachfront Village shall be required to make a proportionate fair share contribution towards the improvements listed in Mitigation Measure T-1.</p> <p>Based on cost estimates from the City of Carlsbad, the proposed road improvements associated with improving La Costa Avenue from Highway 101 through Vulcan Avenue, including the La Costa Avenue/Highway 101 and La Costa Avenue/Vulcan Avenue intersections, would cost approximately \$5,335,000. This dollar amount is an estimate based on current information. Annual adjustments shall be made as described in Appendix G-2. Calculations for the cost estimate are provided in Appendix G-2. As shown in Figures 5.6-8 and 5.6-9 the project would contribute 5,003 ADT to this intersection. Based on 2030 traffic volumes of 18,300 ADT, the future development within the Vision Plan area shall contribute 27 percent (5,003 ADT/18,300 ADT = 27%) of the total cost, or \$1,440,450 (<math>\\$5,335,000 \times 0.27 = \\$1,440,450</math>). This amount would be divided up among the future developments within the Ponto Beachfront Village Vision Plan area based on the traffic they contribute to the intersection.</p>								
<p><b>Impact T-2:</b> The proposed project would result in significant impacts to the following intersection under 2030 volumes:</p>	<p><b>Horizon Year (2030)</b></p> <p><b>T-2:</b> Impacts to the affected intersection shall be mitigated by implementation of the following improvement:</p> <p>La Costa Avenue /North Coast Highway 101: Widen north leg to include two left turn lanes and two through lanes, and widen east leg to include two left turn lanes and one right turn lane.</p> <p>Prior to the issuance of a building permit, developers within the Ponto Area shall pay a pro-rata fair share contribution to the La</p>	<p>City Engineering Department See Appendix C.</p>	<p>Prior to recordation of final map.</p>	<p>Once, upon contribution.</p>	<p>Verification:</p> <table><tr><td>Date</td><td>Init.</td></tr><tr><td colspan="2">Name</td></tr></table>	Date	Init.	Name	
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Name									

# MITIGATION MONITORING AND REPORTING PROGRAM

<u>Impact</u>	<u>Mitigation Measure</u>	<u>Responsible Monitoring Party</u>	<u>Required Time of Application</u>	<u>Monitoring Frequency</u>	<u>Shown on Plans / Completion Date</u>
La Costa Avenue / North Coast Highway 101  La Costa Avenue / Vulcan Avenue	<p>Costa Avenue/North Coast Highway 101 improvement: The pro-rata fair share contribution shall be paid to the City of Carlsbad City Engineer prior to the issuance of building permits. The pro-rata fair share contribution may be adjusted by the City of Carlsbad to reflect any changes in estimated construction and land costs (as described in Appendix G-2). The City of Carlsbad will retain the Ponto developers' allocated pro-rata fair share contribution until the City of Encinitas is required to collect said contributions. Developers with existing ADT credits within their Ponto property will be given offsets against their projected ADTs.</p> <p>This intersection is located within the jurisdiction of the City of Encinitas. The improvements to this intersection are already required as mitigation as part of the City of Encinitas adopted North 101 Corridor Specific Plan, and other development projects located within the City of Encinitas and are included in the City of Encinitas CIP. Future developers within the Ponto Beachfront Village shall be required to make a proportionate fair share contribution to the City of Encinitas towards the improvements listed in Mitigation Measure T-2.</p> <p>Based on cost estimates from the City of Carlsbad, the proposed road improvements associated with improving the La Costa Avenue from Highway 101 through Vulcan Avenue, including the La Costa Avenue/Highway 101 and La Costa Avenue/Vulcan Avenue intersections, would cost approximately \$5,335,000. This dollar amount is an estimate only based on current information. Annual adjustments shall be made as described in Appendix G-2. Calculations for the cost estimate are provided in Appendix G-2. As shown in Figures 5.6-8 and 5.6-9 the project would contribute 5,003 ADT to this intersection. Based on 2030 traffic volumes of 18,300 ADT, the future development within the Vision Plan area shall contribute 27 percent (5,003 ADT/18,300 ADT = 27%) of the total cost, or</p>				

# MITIGATION MONITORING AND REPORTING PROGRAM

<u>Impact</u>	<u>Mitigation Measure</u>	<u>Responsible Monitoring Party</u>	<u>Required Time of Application</u>	<u>Monitoring Frequency</u>	<u>Shown on Plans / Completion Date</u>
	\$1,440,450 ( $\$5,335,000 \times 0.27 = \$1,440,450$ ). This amount would be divided up among the future developments within the Ponto Beachfront Village Vision Plan area through a fair share contribution based on the traffic they contribute to the intersection.				
<b>Impact T-3:</b> The proposed project would result in significant impacts to the following roadway segments under 2030 traffic volumes:  La Costa Avenue between Vulcan Avenue and Interstate 5	<b>T-3:</b> Potential impacts to La Costa Avenue between Vulcan Avenue and Interstate 5 are mitigated to less than significant with the implementation of mitigation measures T-1 and T-2.	City Engineering Department <i>See Appendix C.</i>	Prior to recordation of final map (see Mitigation Measures T-1 and T-2, above).	Once, upon contribution.	Verification:  Date _____ Init. _____  Name _____

# MITIGATION MONITORING AND REPORTING PROGRAM

<u>Impact</u>	<u>Mitigation Measure</u>	<u>Responsible Monitoring Party</u>	<u>Required Time of Application</u>	<u>Monitoring Frequency</u>	<u>Shown on Plans / Completion Date</u>
<b>Cumulative Impacts (Section 7.1.7)</b>					
<b>Impacts T-1 and T-2:</b> The proposed project would contribute to cumulative impacts at the following intersections, under the year 2010 analysis.  La Costa Avenue/ Vulcan Avenue La Costa Avenue/ Carlsbad Boulevard	<b>T-1 and T-2:</b> Mitigation Measures T-1 through T-2 (refer to Section 5.6.4) would mitigate the Vision Plan's contribution to cumulative intersection and roadway impacts that would occur under the year 2010 analysis.  Prior to issuance of a building permit, evidence shall be required to ensure that Mitigation Measures T-1 through T-2 (refer to Section 5.6.4) would be implemented (as applicable) at the discretion of the City Director of Public Works, to mitigate a project's contribution to potential traffic impacts.	City Engineering Department See Appendix C.	Prior to recordation of final map (see Mitigation Measures T-1 and T-2, above).	Once, upon contribution.	Verification:  Date _____ Init. _____  Name _____

**APPENDIX A**  
**City of Carlsbad HMP Designations**



**APPENDIX B**  
**EIR Mitigation Tables (Tables 5.2-7 to 5.2-9)**



## *Ponto Beachfront Village Vision Plan EIR – Mitigation Tables*

**Table 5.2-7**  
**Mitigation Summary for Impacts to Vegetation Communities**

Vegetation Community/Habitat	Acreage		Mitigation Ratio	Mitigation Required
	Existing	Impact		
Habitat Group A <sup>1</sup>				
Southern willow scrub	0.91	0.04	3:1	0.12
Habitat Group B				
Southern coastal bluff scrub (including disturbed)	4.3	0.1	3:1 <sup>2</sup>	0.3 <sup>2</sup>
Habitat Group C				
Diegan coastal sage scrub (including disturbed) - occupied	5.2	1.2	2:1 <sup>3</sup>	2.4 <sup>3</sup>
Habitat Group F				
Eucalyptus woodland	0.3	0.3	4	4
Disturbed habitat	24.6	21.1	4	4
Other				
Non-native vegetation	21.0	9.7	--	--
Developed	43.4	15.2	--	--
Total	130.4	47.6	--	2.82

<sup>1</sup>Habitat Groups refer to MHCP habitat classification system.

<sup>2</sup>It is assumed that all habitat types in Group B will be included in the proposed preserve system.

<sup>3</sup>Maximum avoidance and onsite conservation of Group C habitat is encouraged.

<sup>4</sup>Habitat in this group which is not conserved or mitigated onsite shall pay a per acre in lieu mitigation fee in an amount to be determined by the City Council. According to the Addendum to the City's HMP (December 1999, pg 10) in lieu mitigation fees are \$8,000 for unoccupied Diegan coastal sage scrub, and chaparral (Group D), \$4,000 for grassland (Group E), and \$800 for eucalyptus woodland and disturbed habitat.

**Table 5.2-8**  
**Mitigation Summary for Impacts to Corps Jurisdiction Areas**

Vegetation Community/Habitat	Existing	Impact	Mitigation Ratio	Mitigation Required
<b>Wetlands</b>				
Southern willow scrub	0.91	0.04	3:1	0.12
<b>Non-wetlands</b>				
Drainage	0.11	0.11	1:1	0.11
<b>Total</b>	<b>1.02</b>	<b>0.15</b>	<b>--</b>	<b>0.23</b>

**Table 5.2-9**  
**Mitigation Summary for Impacts to CDFG Jurisdiction Areas**

Vegetation Community/Habitat	Existing	Impact	Mitigation Ratio	Mitigation Required
<b>Wetlands</b>				
Southern willow scrub	0.91	0.04	3:1	0.12
<b>Non-wetlands</b>				
Streambed	0.18	0.17	1:1	0.17
<b>Total</b>	<b>1.09</b>	<b>0.21</b>	<b>--</b>	<b>0.29</b>

## **APPENDIX C**

### **Traffic Fair-Share Contribution Methodology**

## **Traffic and Circulation**

### **Fair-Share Methodology**

#### *Intersections*

**T-1:** Impacts to the affected intersections shall be mitigated by implementation of the following improvements:

- La Costa Avenue / Vulcan Avenue: Install traffic signal with La Costa widening to facilitate intersection improvements.

Prior to the issuance of a building permit, developers within the Ponto Area shall pay a pro-rata fair share contribution to the La Costa Avenue / Vulcan Avenue improvement. The pro-rata fair share contribution shall be paid to the City of Carlsbad City Engineer prior to the issuance of building permits. The pro-rata fair share contribution may be adjusted by the City of Carlsbad to reflect any changes in estimated construction and land costs (as described in Appendix G-2). The City of Carlsbad will retain the Ponto developers' allocated pro-rata fair share contribution until the City of Encinitas is required to collect said contributions. Developers with existing ADT credits within their Ponto property will be given offsets against their projected ADT's.

This intersection is located within the jurisdiction of the City of Encinitas and the improvements to this intersection are already required mitigation as part of the City of Encinitas adopted North 101 Corridor Specific Plan and have been included in the City of Encinitas Capital Improvement Program (CIP). Future developers within the Ponto Beachfront Village shall be required to make a proportionate fair share contribution towards the improvements listed in Mitigation Measure T-1.

Based on cost estimates from the City of Carlsbad, the proposed road improvements associated with improving La Costa Avenue from Highway 101 through Vulcan Avenue, including the La Costa Avenue / Highway 101 and La Costa Avenue / Vulcan Avenue intersections, would cost approximately \$5,335,000. This dollar amount is an estimate based on current information. Annual adjustments shall be made as described in Appendix G-2. As shown in Figures 5.6-8 and 5.6-9, the project would contribute 5,003 ADT to this intersection. Based on 2030 traffic volumes of 18,300 ADT, the future development within the Vision Plan area shall contribute 27 percent ( $5,003 \text{ ADT} / 18,300 \text{ ADT} = 27\%$ ) of the total cost, or \$1,440,450 ( $\$5,335,000 \times 0.27 = \$1,440,450$ ). This amount would be divided up among the future developments within the Ponto Beachfront Village Vision Plan area based on the traffic they contribute to the intersection.

**T-2:** Impacts to the affected intersections shall be mitigated by implementation of the following improvement:

- La Costa Avenue / North Coast Highway 101: Widen north leg to include two left turn lanes and two through lanes, and widen east leg to include two left turn lanes and one right turn lane.

Prior to the issuance of a building permit, developers within the Ponto Area shall pay a pro-rata fair share contribution to the La Costa Avenue / North Coast Highway 101 improvement.

The pro-rata fair share contribution shall be paid to the City of Carlsbad City Engineer prior to the issuance of building permits. The pro-rata fair share contribution may be adjusted by the City of Carlsbad to reflect any changes in estimated construction and land costs (as described in Appendix G-2). The City of Carlsbad will retain the Ponto developers' allocated pro-rata fair share contribution until the City of Encinitas is required to collect said contributions. Developers with existing ADT credits within their Ponto property will be given offsets against their projected ADT's.

This intersection is located within the jurisdiction of the City of Encinitas. The improvements to this intersection are already required as mitigation as part of the City of Encinitas adopted North 101 Corridor Specific Plan, and other development projects located within the City of Encinitas and are included in the City of Encinitas CIP. Future developers within the Ponto Beachfront Village shall be required to make a proportionate fair share contribution to the City of Encinitas towards the improvements listed in Mitigation Measure T-2.

Based on cost estimates from the City of Carlsbad, the proposed road improvements associated with improving La Costa Avenue from Highway 101 through Vulcan Avenue, including the La Costa Avenue / Highway 101 and La Costa Avenue / Vulcan Avenue intersections, would cost approximately \$5,335,000. This dollar amount is an estimate only based on current information. Annual adjustments shall be made as described in Appendix G-2. As shown in Figures 5.6-8 and 5.6-9, the project would contribute 5,003 ADT to this intersection. Based on 2030 traffic volumes of 18,300 ADT, the future development within the Vision Plan area shall contribute 27 percent ( $5,003 \text{ ADT} / 18,300 \text{ ADT} = 27\%$ ) of the total cost, or \$1,440,450 ( $\$5,335,000 \times 0.27 = \$1,440,450$ ). This amount would be divided up among the future developments within the Ponto Beachfront Village Vision Plan area based on the traffic they contribute to the intersection.

#### *Roadway Segments (Year 2030)*

- T-3:** Potential impacts to La Costa Avenue between Vulcan Avenue and Interstate 5 are mitigated to less than significant with the implementation of mitigation measures T-1 and T-2.

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CASE NAME: PONTO BEACHFRONT VILLAGE VISION  
PLAN  
CASE NO: GPA 05-04

the areas known as the Ponto Beachfront Village Area generally located between Carlsbad Boulevard and the San Diego Northern Railroad, north of Batiquitos Lagoon and south of Ponto Road

WHEREAS, said verified application constitutes a request for a General Plan Amendment as described on Exhibit “**GPA 05-04**” dated **September 5, 2007**, attached hereto and on file in the Carlsbad Planning Department, **PONTO BEACHFRONT VILLAGE VISION PLAN – GPA 05-04** as provided in Government Code Section 65350 et. seq. and Section 21.52.160 of the Carlsbad Municipal Code; and

WHEREAS, the Planning Commission did, on the **4th day of May, 2005**, hold a  
duly noticed public hearing as prescribed by law to consider said request; and

WHEREAS, the Planning Commission did **again**, on the **5th day of September, 2007**, hold a duly noticed public hearing as prescribed by law to consider said request **after preparation of an EIR for the project**; and

• • •

7 8 9

1 WHEREAS, at said public hearings, upon hearing and considering all testimony  
2 and arguments, if any, of all persons desiring to be heard, said Commission considered all factors  
3 relating to the General Plan Amendment.  
4

5 NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning  
6 Commission of the City of Carlsbad, as follows:

- 7 A) That the above recitations are true and correct.
- 8 B) That based on the evidence presented at the public hearing, the Commission  
9 **RECOMMENDS APPROVAL** of the **PONTO BEACHFRONT VILLAGE**  
10 **VISION PLAN – GPA 05-04**, based on the following findings and subject to the  
11 following conditions:

11 **Findings:**

- 12 1. The amendment is consistent with Section II of the Land Use Element of the  
13 General Plan, Subsection D (Special Planning Considerations) which allows the city  
14 to designate specific areas or land uses in the city for special planning  
15 considerations.
- 16 2. The amendment is consistent with Goal A.1, Goal A.3, Objective B.1, and Objective  
17 B.3 of the Land Use Element of the General Plan as identified and described in  
18 Table A of the Planning Commission staff report dated September 5, 2007.
- 19 3. The amendment is consistent with all other applicable City plans as described in the  
20 Planning Commission staff report dated September 5, 2007.

21 **Conditions:**

- 22 1. Approval is granted subject to Certification of Program **Environmental Impact Report**  
23 **(EIR 05-05)** and **Mitigation Monitoring and Reporting Program**, and approval of  
24 **LCPA 05-01** and **DI 05-01**, and is subject to Planning Commission Resolutions No.  
25 **6338, 6340 and 6341** for those other approvals incorporated herein by reference.
- 26 ...
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- ...

1 PASSED, APPROVED AND ADOPTED at a regular meeting of the Planning  
2 Commission of the City of Carlsbad, California, held on the **5th** day of **September, 2007**, by the  
3 following vote, to wit:  
4

5 AYES:

6 NOES:

7 ABSENT:

8 ABSTAIN:  
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13 JULIE BAKER, Chairperson  
14 CARLSBAD PLANNING COMMISSION

15 ATTEST:

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17 DON NEU  
18 Planning Director  
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The Land Use Element of the General Plan presently references areas of the City for "Special Planning Considerations" (Section D, Page 21 of the Land Use Element). This section presently includes areas of the city such as the Downtown Village area, the McClellan-Palomar Airport area, the Buena Vista Watershed and the Barrio area. Staff is recommending that the Ponto Beachfront Village Area be added to this section of the Land Use Element to read as follows:

**"9 – Ponto Beachfront Village Area**

The Ponto Beachfront Village Area consists of approximately 50 acres of land located between Carlsbad Boulevard and the San Diego Northern Railroad, north of Batiquitos Lagoon and south of Ponto Road. It is part of a larger land use and circulation study area containing 130 acres extending from the southern city limits on Carlsbad Boulevard to Poinsettia Lane. The northern portion of the area is also located within the boundaries of the city's South Carlsbad Coastal Redevelopment Plan. Presently, the area contains older homes and businesses which have a strong potential for redevelopment and several important underutilized or vacant properties. Recognizing the potential for new development in this area and its important location at the southern gateway to the city, a Vision Plan has been prepared for this area. The Plan includes a Vision Statement, desirable land uses, a proposed vehicular and pedestrian circulation system and design guidelines to direct future development in the area. The intent of the Vision Plan is to create a mixed use, active pedestrian and bicycle oriented area with a strong sense of place, village atmosphere and unique character of design. Future proposals for new development within this area of special planning consideration shall be guided by the Vision Plan and all future development permits (site development plan, coastal development permit, etc.) shall be reviewed by the city for conformance with the Ponto Beachfront Village Vision Plan."



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CASE NO: LCPA 05-01

WHEREAS, the Planning Commission did on the **4th day of May 2005**, hold a  
duly noticed public hearing as prescribed by law to consider said request; and

1 WHEREAS, the Planning Commission did again on the 5th day of September,  
2 2007, hold a duly noticed public hearing as prescribed by law to consider said request after  
3 preparation of an EIR for the project; and  
4

5 WHEREAS, at said public hearings, upon hearing and considering all testimony  
6 and arguments, if any, of all persons desiring to be heard, said Commission considered all factors  
7 relating to the Local Coastal Program Amendment; and

8 WHEREAS, State Coastal Guidelines requires a six-week public review period  
9 for any amendment to the Local Coastal Program.

10 NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning  
11 Commission of the City of Carlsbad, as follows:  
12

- 13 A) That the foregoing recitations are true and correct.
- 14 B) After a State mandated six week review period, starting on August 17, 2007, staff  
15 shall present to the City Council a summary of the comments received.
- 16 C) That based on the evidence presented at the public hearing, the Commission  
17 RECOMMENDS APPROVAL of the **PONTO BEACHFRONT VILLAGE**  
18 **VISION PLAN – LCPA 05-01** based on the following findings, and subject to  
19 the following conditions:

20 **Findings:**

- 21 1. That the proposed Local Coastal Program Amendment meets the requirements of, and is  
22 in conformity with, the policies of Chapter 3 of the Coastal Act and all applicable policies  
23 of the Land Use Plans of the Mello II and West Batiquitos Lagoon/Sammis Properties  
24 segments of the Carlsbad Local Coastal Program not being amended by this amendment,  
25 in that the Ponto Beachfront Village Vision Plan which is being incorporated into the  
26 Land Use Plan segments encourages enhanced public access and views, mixed use,  
27 including visitor/tourist-serving uses and a unique character of design.
- 28 2. That the proposed amendment requires all future development in the area to be  
consistent with the policies of the Coastal Act and the City's Local Coastal Program.

...

...

...

1 PASSED, APPROVED, AND ADOPTED at a regular meeting to the Planning  
2 Commission of the City of Carlsbad, held on the **5th** day of **September 2007**, by the following  
3 vote, to wit:  
4

5 AYES:

6 NOES:

7 ABSENT:

8 ABSTAIN:  
9

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13 JULIE BAKER, Chairperson  
CARLSBAD PLANNING COMMISSION

14 ATTEST:  
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18 Planning Director  
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The Ponto Beachfront Village Area is located in two segments of the city's Local Coastal Program; Mello II for the properties that are located in what is generally considered the older Ponto Area and the West Batiquitos Lagoon/Sammis Properties segment for the vacant properties south of the older Ponto Area which are also part of the Poinsettia Shores Master Plan. Staff is recommending that the land Use Plans of these two segments of the Local Coastal Program be amended as follows:

Amend the Mello II segment of the city's Local Coastal Program by the addition of a new Policy 6.10 (on page 91) to read as follows:

**"Policy 6.10 Ponto Beachfront Village Area**

The Ponto Beachfront Village Area consists of approximately 50 acres of land located between Carlsbad Boulevard and the San Diego Northern Railroad, north of Batiquitos Lagoon and south of Ponto Road. It is part of a larger land use and circulation study area containing 130 acres extending from the southern city limits on Carlsbad Boulevard to Poinsettia Lane. The northern portion of the area is also located within the boundaries of the city's South Carlsbad Coastal Redevelopment Plan. Presently, the area contains older homes and businesses which have a strong potential for redevelopment and several important underutilized or vacant properties. Recognizing the potential for new development in this area and its important location at the southern gateway to the city, a Vision Plan has been prepared for the area. The Plan includes a Vision Statement, desirable land uses, a proposed vehicular and pedestrian circulation system and design guidelines to direct future development in the area. The intent of the Vision Plan is to create a mixed use, active pedestrian and bicycle oriented area with a strong sense of place, village atmosphere and unique character of design. A strong emphasis is placed on recreation and visitor serving uses. Future proposals for new development within this area shall be guided by the Vision Plan and all future development permits (site development plan, coastal development permit, etc.) shall be reviewed by the city for conformance with the Ponto Beachfront Village Vision Plan."

Amend the West Batiquitos Lagoon/Sammis Properties segment of the city's Local Coastal Program by the addition of a new section J (on page 118) to read as follows:

**"J. Ponto Beachfront Village Vision Plan**

Planning Areas F, G and H of the Poinsettia Shores Master Plan are also located in the area identified by the City of Carlsbad as the Ponto Beachfront Village Area. The Ponto Beachfront Village Area consists of approximately 50 acres of land located between Carlsbad Boulevard and the San Diego Northern Railroad, north of Batiquitos Lagoon and south of Ponto Road. It is part of a larger land use and circulation study area containing 130 acres extending from the southern city limits on Carlsbad Boulevard to Poinsettia Lane. Presently, the area contains older homes and businesses which have a strong potential for redevelopment and several

important underutilized or vacant properties. Recognizing the potential for new development in this area and its important location at the southern gateway to the city, a Vision Plan has been prepared for the area. The Plan includes a Vision Statement, desirable land uses, a proposed vehicular and pedestrian circulation system and design guidelines to direct future development in the area. The intent of the Vision Plan is to create a mixed use, active pedestrian and bicycle oriented area with a strong sense of place, village atmosphere and unique character of design. Future proposals for development within Planning Areas F, G and H of the Poinsettia Shores Master Plan shall be guided by the Vision Plan and all future development permits (site development plan, coastal development permit, etc.) shall be reviewed by the city for conformance with the Ponto Beachfront Village Vision Plan."

**PLANNING COMMISSION RESOLUTION NO. 6341**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARLSBAD, CALIFORNIA, RECOMMENDING APPROVAL OF THE PONTO BEACHFRONT VILLAGE VISION PLAN FOR THE AREA GENERALLY LOCATED BETWEEN CARLSBAD BOULEVARD AND SAN DIEGO NORTHERN RAILROAD, NORTH OF BATIQUITOS LAGOON AND SOUTH OF PONTO ROAD.

CASE NAME: PONTO BEACHFRONT VILLAGE VISION PLAN

CASE NO: DI 05-01

WHEREAS, the Ponto Beachfront Village Vision Plan has been prepared by the city and submitted to the Planning Commission for review; and

WHEREAS, the intent of the Ponto Beachfront Village Vision Plan is to create a mixed use, active pedestrian and bicycle oriented area with a strong sense of place, village atmosphere and unique character of design in the Ponto area; and

WHEREAS, a General Plan Amendment (GPA 05-04) and Local Coastal Program Amendment (LCPA 05-01) to incorporate reference to the Ponto Beachfront Village Vision Plan has also been considered by the Planning Commission; and

WHEREAS, the Planning Commission did on the 4th day of May, 2005, consider said matter and all factors relating to this item; and

WHEREAS, the Planning Commission did on the 5th day of September, 2007, consider said matter and all factors relating to this item.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the City of Carlsbad as follows:

A) That the foregoing recitations are true and correct.

B) That based on the evidence presented at the public hearing, the Commission **RECOMMENDS APPROVAL** of the **PONTO BEACHFRONT VILLAGE VISION PLAN – DI 05-01** based on the following findings and subject to the following conditions:

...

...

1 **Findings:**

- 2 1. The Ponto Beachfront Village Vision Plan is consistent with the General Plan and  
3 the Local Coastal Program as described in GPA 05-04 and LCPA 05-01.
- 4 2. The Ponto Beachfront Village Vision Plan contains desirable land uses, circulation  
5 system and design guidelines which will allow future development proposals to  
6 comply with the intent of the Plan to create a mixed use, pedestrian and bicycle  
7 oriented, and visitor-serving area with a strong sense of place and village  
8 atmosphere.

8 **Conditions:**

- 9 1. Approval is granted subject to certification of Program Environmental Impact Report  
10 (EIR 05-05) and Mitigation Monitoring and Reporting Program, and approval of  
11 GPA 05-04 and LCPA 05-01, and is subject to Planning Commission Resolutions No.  
12 6338, 6339 and 6340 for those other approvals incorporated herein by reference.

13 PASSED, APPROVED AND ADOPTED at a regular meeting of the Planning  
14 Commission of the City of Carlsbad, California, held on the 5th day of September, 2007, by the  
15 following vote, to wit:

16 AYES:

17 NOES:

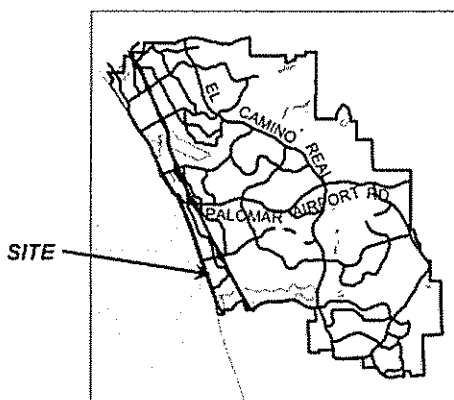
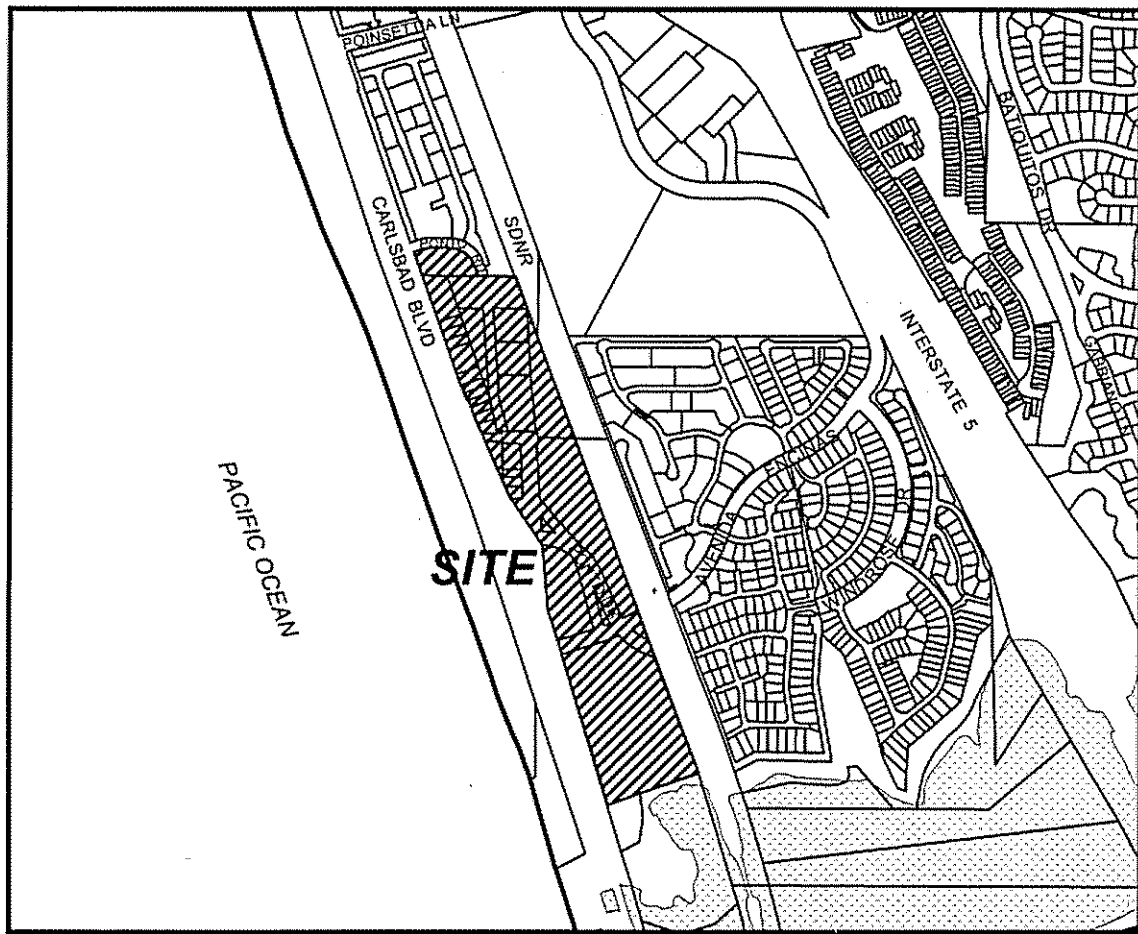
18 ABSENT:

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JULIE BAKER, Chairperson  
CARLSBAD PLANNING COMMISSION

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25 ATTEST:

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28 Planning Director



# PONTO BEACHFRONT VILLAGE VISION PLAN

GPA 05-04/LCPA 05-01/DI 05-01